GENERAL LAWS

OF THE

STATE OF IDAHO

PASSED BY
THE SECOND REGULAR SESSION OF THE
FORTY-EIGHTH IDAHO LEGISLATURE

Convened January 6, 1986
Adjourned March 28, 1986

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

PUBLISHED BY AUTHORITY OF THE
SECRETARY OF STATE

PETE T. CENARRUSA
Secretary of State
Boise, Idaho

Printed by The Caxton Printers, Ltd.
Caldwell, Idaho

CHAPTER 1
(S.B. No. 1308)

AN ACT

AMENDING APPROPRIATIONS MADE BY CHAPTERS 99, 261, 212, 162, 129, 263, 87, 273, 161, 211, 201, 202, 90, 207, 46, 208, 268, 97, 214, 93, 246, 92, 163, 101, 102, 47, 48, 272, 260, 258, 259, 110, 70, 94, 71, 95, 130, 262, 85, 89, 265, 105, 69, 264, 100, 196, 57, 197, 164 AND 30, LAWS OF 1985; PROVIDING THAT A CERTAIN TRANSFER FROM THE GENERAL ACCOUNT TO THE LEGISLATIVE ACCOUNT SHALL BE REDUCED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 99, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

FOR PROGRAMS:		
Governor's Office Administration	$ ~~785,500~~	757,000
Governor's Residence & Expense	~~30,100~~	27,500
Federal Program Administration	~~308,900~~	307,900
TOTAL	$~~1,124,500~~	1,092,400
FOR EXPENDITURE CLASSIFICATIONS:		
Personnel Costs	$ ~~572,700~~	552,100
Operating Expenditures	~~305,300~~	296,300
~~Capital Outlay~~		~~2,500~~
Trustee & Benefit Payments		244,000
TOTAL	$~~1,124,500~~	1,092,400
FROM:		
General Account	$ ~~712,200~~	680,100
Pacific Northwest Regional Commission Account		412,300
TOTAL	$~~1,124,500~~	1,092,400

SECTION 2. That Section 1, Chapter 261, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated from the General Account to the Office of the Governor the following amount for deposit in the Governor's Emergency Fund to be expended according to Section 57-1601, Idaho Code.

FOR:		
Trustee and Benefit Payments	$~~150,000~~	143,200
FROM:		
General Account	$~~150,000~~	143,200

SECTION 3. That Section 1, Chapter 212, Laws of 1985, be, and the

same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Division of Financial Management the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
General Account	$745,900	~~$168,000~~ 138,300		~~$12,000~~	$ ~~925,900~~ 884,200
Interagency Billing and Receipts Account	28,800	29,500	$12,000		70,300
State Planning Account		15,500			15,500
TOTAL	$774,700	~~$213,000~~ 183,300	$12,000	~~$12,000~~	~~$1,011,700~~ 970,000

SECTION 4. That Section 1, Chapter 162, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated from the General Account for deposit in the Swan Falls Agreement Account the sum of ~~$700,000~~ 668,500.

SECTION 5. That Section 3, Chapter 162, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Attorney General the following amount to be expended for the designated program according to the designated expense classes from the listed account for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
A. STATEWIDE LEGAL SERVICES:			
FROM:			
General Account	$73,900	~~$26,100~~ 21,600	~~$100,000~~ 95,500

SECTION 6. That Section 1, Chapter 129, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office on Aging the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Account	$102,700	$ 47,200	$ ~~694,400~~ 656,400	$ ~~844,300~~ 806,300
Office on Aging Account	302,800	185,400	3,866,300	4,354,500
TOTAL	$405,500	$232,600	~~$4,560,700~~ 4,522,700	~~$5,198,800~~ 5,160,800

SECTION 7. That Section 1, Chapter 263, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission on Human Rights the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Account	~~$124,700~~ 119,800	~~$70,200~~ 66,300	~~$194,900~~ 186,100
Human Rights Account	64,100	25,100	89,200
TOTAL	~~$188,800~~ 183,900	~~$95,300~~ 91,400	~~$284,100~~ 275,300

SECTION 8. That Section 1, Chapter 87, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission for the Blind the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Account	$357,200	$ 59,000	$20,400	~~$215,500~~ 186,200	$ ~~652,100~~ 622,800
Blind Commission Account	297,400	112,100	3,000	143,800	556,300
Interagency Billing and Receipts Account		16,900		34,000	50,900
TOTAL	$654,600	$188,000	$23,400	~~$393,300~~ 364,000	~~$1,259,300~~ 1,230,000

SECTION 9. That Section 1, Chapter 273, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Military Division, the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. ADMINISTRATION:				
FROM:				
General Account	$ 375,800	$ ~~21,400~~	$ ~~6,700~~	$ ~~403,900~~
		17,400	1,700	394,900
B. OPERATION OF MILITARY FACILITIES:				
FROM:				
General Account	$ 133,000	$ 398,200	$ 24,600	$ 555,800
C. ADMINISTERING FEDERAL-STATE CONTRACTS:				
FROM:				
General Account	$ 92,600	$ ~~136,200~~	$ ~~12,500~~	$ ~~241,300~~
		132,900	8,400	233,900
Adjutant General Receipts Account	1,455,500	1,228,000	37,500	2,721,000
TOTAL	$1,548,100	$~~1,364,200~~	$~~50,000~~	$~~2,962,300~~
		1,360,900	45,900	2,954,900
D. BUREAU OF DISASTER SERVICES:				
FROM:				
General Account	$ 154,900	$ ~~51,200~~	$ 1,800	$ ~~207,900~~
		45,000		201,700
Civil Defense--Federal Administration and Personnel Account	382,800	133,700	1,800	518,300
Federal Indirect Cost Account	29,400			29,400
TOTAL	$ 567,100	$ ~~184,900~~	$ 3,600	$ ~~755,600~~
		178,700		749,400
E. MILITARY OPERATIONS, TRAINING AND RETENTION:				
FROM:				
General Account	$ 102,500	$ ~~68,700~~	$ ~~3,200~~	$ ~~166,400~~
		15,200	300	118,000
Adjutant General Receipts Account		148,900		148,900
Interagency Billing and Receipts Account	34,600			34,600
TOTAL	$ 137,100	$ ~~209,600~~	$ ~~3,200~~	$ ~~349,900~~
		164,100	300	301,500

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
GRAND TOTAL	$2,761,100	~~$2,178,300~~ 2,119,300	~~$88,100~~ 76,100	~~$5,027,500~~ 4,956,500

SECTION 10. That Section 1, Chapter 161, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Office of the Governor for the Division of Economic and Community Affairs to be expended according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Account	$280,200	$ ~~71,500~~ 55,700		$ ~~351,700~~ 335,900
Idaho Travel and Convention Account	166,700	1,036,700	$1,036,800	2,240,200
Idaho Development and Publicity Account		123,400		123,400
Economic and Community Affairs Account	152,700	88,900	8,623,000	8,864,600
TOTAL	$599,600	~~$1,320,500~~ 1,304,700	$9,659,800	~~$11,579,900~~ 11,564,100

SECTION 11. That Section 2, Chapter 211, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Administration the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CENTRAL ADMINISTRATION:					
FROM:					
General Account	$ 85,400	$ 62,900	$ 600		$ 148,900
Interagency Billing and Receipts Account	317,500	224,500	3,600	$ 25,800	571,400
TOTAL	$ 402,900	$ 287,400	$ 4,200	$ 25,800	$ 720,300

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. GENERAL SERVICES:					
FROM:					
General Account	$ 206,800	$ 45,500			$ 252,300
Interagency Billing and Receipts Account	689,800	454,300	137,400		1,281,500
TOTAL	$ 896,600	$ 499,800	$137,400		$ 1,533,800
III. PUBLIC WORKS:					
FROM:					
General Account				~~$1,231,400~~ 1,144,300	~~$ 1,231,400~~ 1,144,300
Interagency Billing and Receipts Account	$ 749,500	$1,764,900	$ 18,000	1,119,000	3,651,400
Permanent Building Fund Account	490,700	202,100	3,800		696,600
TOTAL	$1,240,200	$1,967,000	$ 21,800	~~$2,350,400~~ 2,263,300	~~$ 5,579,400~~ 5,492,300
IV. PURCHASING:					
FROM:					
General Account	$ 236,300	$ 65,600	$ 1,000		$ 302,900
Interagency Billing and Receipts Account	872,200	1,455,200	$105,900		2,433,300
Federal Surplus Property Revolving Account	206,300	133,100			339,400
TOTAL	$1,314,800	$1,653,900	$106,900		$ 3,075,600
V. INSURANCE MANAGEMENT:					
FROM:					
Employee Group Insurance Account	$ 136,200	$ 108,400	$ 2,500		$ 247,100
Risk Retention Account	162,100	100,800	2,500		265,400
TOTAL	$ 298,300	$ 209,200	$ 5,000		$ 512,500
GRAND TOTAL	$4,152,800	$4,617,300	$275,300	~~$2,376,200~~ 2,289,100	~~$11,421,600~~ 11,334,500

SECTION 12. That Section 1, Chapter 201, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated from the listed accounts to the Permanent Building Fund Advisory Council and the Division of Public Works the following amounts, 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.

FOR:

A. PREVENTIVE MAINTENANCE PROJECTS - STATEWIDE:

FROM:

Permanent Building Account		$1,830,000
General Account	~~2,000,000~~	1,910,000
SUBTOTAL	~~$3,830,000~~	3,740,000

FOR:

B. STATE BOARD OF EDUCATION:

Idaho State University: College of Pharmacy, Preliminary Programming and Design

FROM:

Permanent Building Account	$200,000	
GRAND TOTAL	~~$4,030,000~~	3,940,000

SECTION 13. That Section 2, Chapter 202, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Tax Commission the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION AND SUPPORT:					
FROM:					
General Account	$ 732,300	$ ~~342,000~~	$ 4,600		$ ~~1,078,900~~
		293,400			1,030,300
Highway Suspense Account	72,300	45,700	400		118,400

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Interagency Billing and Receipts Account		4,600	5,500		10,100
Idaho Travel and Convnention Account		7,400			7,400
Fish and Game Suspense Account		4,200			4,200
United States Olympic Account		4,200			4,200
Drug Enforcement Account		1,500			1,500
TOTAL	$ 804,600	$ ~~409,600~~ 361,000	$ 10,500		$ ~~1,224,700~~ 1,176,100
B. AUDIT AND COLLECTIONS:					
FROM:					
General Account	$5,356,500	~~$1,782,500~~ 1,643,600	~~$190,900~~		$ ~~7,329,900~~ 7,000,100
Interagency Billing and Receipts Account		4,500	16,100		20,600
Highway Suspense Account	427,500	284,700	25,800		738,000
Hotel & Motel Tax Suspense Account		1,200			1,200
Fish and Game Suspense Account		1,700			1,700
United States Olympic Account		6,800			6,800
Idaho Travel and Convention Account		15,500			15,500
Abandoned Property Account	76,100	35,000			111,100
Drug Enforcement Account		1,500			1,500
TOTAL	$5,860,100	~~$2,133,400~~ 1,994,500	~~$232,800~~ 41,900		$ ~~8,226,300~~ 7,896,500
C. AD VALOREM:					
FROM:					

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
General Account	$ 812,200	$ ~~161,300~~ 117,000	$ 10,200		$ ~~983,700~~ 939,400
Interagency Billing and Receipts Account		23,400	10,000		33,400
TOTAL	$ 812,200	$ ~~184,700~~ 140,400	$ 20,200		$ ~~1,017,100~~ 972,800
D. CIRCUIT BREAKER TAX RELIEF:					
FROM:					
General Account	$ 15,900	$ 4,300		$~~3,188,000~~ 3,043,600	$ ~~3,208,200~~ 3,063,800
E. MULTI-STATE TAX COMPACT:					
FROM:					
Multi-State Tax Compact Account		$ 82,500			$ 82,500
F. UNIFORM ASSESSMENT:					
FROM:					
General Account	$ 309,900	$ ~~194,900~~ 172,200			$ ~~504,800~~ 482,100
GRAND TOTAL	$7,802,700	$~~3,009,400~~ 2,754,900	$~~263,500~~ 72,600	$~~3,188,000~~ 3,043,600	$~~14,263,600~~ 13,673,800

SECTION 14. That Section 3, Chapter 202, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 3. There is hereby appropriated to the Board of Tax Appeals the following amount from the General Account, to be expended from the listed account for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Account	$37,700	$~~7,900~~ 5,800	$~~45,600~~ 43,500

SECTION 15. That Section 2, Chapter 90, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Services the following amounts, to be expended

for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
General Account	$ 49,100	$ 5,800			$ 54,900
Electrical Board Account	119,200	8,200			127,400
Idaho Building Code Account	66,800	4,500			71,300
Plumbing Board Account	52,500	3,600			56,100
Interagency Billing and Receipts Account		15,200			15,200
TOTAL	$ 287,600	$ 37,300			$ 324,900
B. ELECTRICAL BUREAU:					
FROM:					
Electrical Board Account	$1,039,900	$288,600	$ 9,300		$1,337,800
C. UNIFORM BUILDING BUREAU:					
FROM:					
Idaho Building Code Account	$ 265,200	$ 45,700	$18,200		$ 329,100
D. PLUMBING BUREAU:					
FROM:					
Plumbing Board Account	$ 301,900	$ 75,400	$ 9,100		$ 386,400
E. SAFETY AND LABOR RELATIONS BUREAU:					
FROM:					
General Account	$ 319,100	$ ~~68,900~~	$~~21,700~~		$ ~~409,700~~
		54,000	15,700		388,800
Mine Safety Training Grant Account	5,000	5,000		$90,000	100,000
TOTAL	$ 324,100	$ ~~73,900~~	$~~21,700~~	$90,000	$ ~~509,700~~
		59,000	15,700		488,800
GRAND TOTAL	$2,218,700	$~~520,900~~	$~~58,300~~	$90,000	$~~2,887,900~~
		506,000	52,300		2,867,000

SECTION 16. That Section 2, Chapter 207, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
General Account	$ 155,000	$ ~~72,900~~			$ ~~227,900~~
		62,900			217,900
Agriculture Department Inspection Account	143,600				143,600
Rural Rehabilitation Account		20,400		$150,000	170,400
Egg Inspection Account	9,600				9,600
TOTAL	$ 308,200	$ ~~93,300~~		$150,000	$ ~~551,500~~
		83,300			541,500
B. ANIMAL INDUSTRY:					
FROM:					
General Account	$ 274,900	$ ~~17,100~~			$ ~~292,000~~
		12,100			287,000
Livestock Disease Control & T.B. Indemnity Account	308,200	137,100	$31,800		477,100
Dairy Industry and Inspection Account	202,700	57,600			260,300
Livestock Dealer License Account	2,100	2,400			4,500
TOTAL	$ 787,900	$ ~~214,200~~	$31,800		$~~1,033,900~~
		209,200			1,028,900
C. PLANT INDUSTRY:					
FROM:					
General Account	$ 103,600	$ ~~61,900~~			$ ~~165,500~~
		51,900			155,500
Agriculture Department Inspection Account	515,000	90,200	$ 4,300		609,500
Bee Inspection Account	15,000	800			15,800
Commercial Feed and Fertilizer Account	213,900	90,000			303,900

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Pesticide Account	245,500	137,700	19,000		402,200
Noxious Weed Account	28,900	8,500			37,400
TOTAL	$1,121,900	$ ~~389,100~~	$23,300		~~$1,534,300~~
		379,100			1,524,300
D. AGRICULTURAL INSPECTIONS:					
FROM:					
General Account	$ 495,600	$ ~~116,800~~	~~$17,600~~		$ ~~630,000~~
		97,200			592,800
Agriculture Department Inspection Account	111,100	35,000		$ 3,200	149,300
Fresh Fruit and Vegetable Inspection Account	4,598,500	337,800	9,000	100,000	5,045,300
Egg Inspection Account	94,700	19,300			114,000
Public Livestock Market Account	2,400	4,000			6,400
Wheat Statistics Account	2,600	7,600			10,200
TOTAL	$5,304,900	$ ~~520,500~~	~~$26,600~~	$103,200	~~$5,955,200~~
		500,900	9,000		5,918,000
E. SHEEP COMMISSION:					
FROM:					
General Account					
- For Animal Disease	$ 5,800	$ 9,200			$ 15,000
- For Animal Damage Control				$ 14,000	14,000
Sheep Commission Account	89,900	16,600		105,000	211,500
TOTAL	$ 95,700	$ 25,800		$119,000	$ 240,500
F. HONEY ADVERTISING COMMISSION:					
FROM:					
Idaho Honey Advertising Account	$ 300	$ 11,700			$ 12,000
GRAND TOTAL	$7,618,900	~~$1,254,600~~	~~$81,700~~	$372,200	~~$9,327,400~~
		1,210,000	64,100		9,265,200

SECTION 17. That Section 1, Chapter 46, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the following agencies in the Department of Self-governing Agencies the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. STATE ATHLETIC DIRECTOR:				
FROM:				
General Account		$ ~~2,500~~		$ ~~2,500~~
		2,400		2,400
Athletic Account		7,500		7,500
TOTAL		$ ~~10,000~~		$ ~~10,000~~
		9,900		9,900
B. BOARD OF PHARMACY:				
FROM:				
General Account	$ ~~30,000~~			$ ~~30,000~~
	28,600			28,600
Pharmacy Board Account	170,700	$ 107,100	$ 7,700	285,500
TOTAL	$ ~~200,700~~	$ 107,100	$ 7,700	$ ~~315,500~~
	199,300			314,100
C. BOARD OF ACCOUNTANCY:				
FROM:				
State Board of Accountancy Account	$ 73,600	$ 117,100		$ 190,700
D. BOARD OF DENTISTRY:				
FROM:				
State Board of Dentistry Account	$ 65,800	$ 48,700	$ 1,000	$ 115,500
E. BOARD OF ENGINEERING EXAMINERS:				
FROM:				
Professional Engineers Account	$ 78,300	$ 82,100	$ 8,000	$ 168,400
F. BOARD OF MEDICINE:				
FROM:				
State Board of Medicine Account	$ 117,100	$ 89,100	$ 4,400	$ 210,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
G. BOARD OF NURSING:				
FROM:				
State Board of Nursing Account	$ 172,200	$ 108,100	$10,000	$ 290,300
H. BUREAU OF OCCUPATIONAL LICENSES:				
FROM:				
Occupational License Account	$ 306,200	$ 193,200	$14,500	$ 513,900
I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:				
FROM:				
Public Works Contractors State License Board Account	$ 103,100	$ 71,600	$ 8,600	$ 183,300
J. IDAHO REAL ESTATE COMMISSION:				
FROM:				
Idaho Real Estate Brokers Commission Account	$ 462,400	$ 200,600	$32,100	$ 695,100
K. PROFESSIONAL GEOLOGISTS BOARD:				
FROM:				
Professional Geologists Account	$ 12,800	$ 12,200		$ 25,000
L. BOARD OF OPTOMETRY:				
FROM:				
State Board of Optometry Account	$ 2,500	$ 5,900		$ 8,400
M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:				
FROM:				
State Certified Shorthand Reporters Account	$ 6,300	$ 11,900		$ 18,200
N. OUTFITTERS AND GUIDES BOARD:				
FROM:				
Outfitters and Guides Board Account	$ 122,900	$ 74,000	$ 3,900	$ 200,800
O. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Board of Veterinary Medicine Account	$ 16,500	$ 15,000		$ 31,500

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
GRAND TOTAL	~~$1,740,400~~	~~$1,146,600~~	$90,200	~~$2,977,200~~
	1,739,000	1,146,500		2,975,700

SECTION 18. That Section 2, Chapter 208, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Correction the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

A. ADMINISTRATION:		
FROM:		
General Account	~~$ 1,290,800~~	1,256,900
Probation and Parole Receipts Account		41,300
TOTAL	~~$ 1,332,100~~	1,298,200
B. IDAHO STATE CORRECTIONAL INSTITUTION:		
FROM:		
General Account	~~$ 8,430,800~~	8,373,700
Penitentiary Income Account		852,000
Job Training Partnership Account		180,100
Interagency Billing and Receipts Account		97,900
TOTAL	~~$ 9,560,800~~	9,503,700
C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:		
FROM:		
General Account	~~$ 1,111,200~~	1,101,700
Interagency Billing and Receipts Account		80,000
TOTAL	~~$ 1,191,200~~	1,181,700
D. NORTH IDAHO CORRECTIONAL INSTITUTION:		
FROM:		
General Account	~~$ 1,258,200~~	1,250,800
E. PROBATION AND PAROLE:		
FROM:		
General Account	~~$ 2,752,100~~	2,711,000
Probation and Parole Receipts Account		557,800
Interagency Billing and Receipts Account		141,700
TOTAL	~~$ 3,451,600~~	3,410,500
F. PAROLE COMMISSION:		
FROM:		
General Account	~~$ 83,700~~	83,400
GRAND TOTAL	~~$16,877,600~~	16,728,300

SECTION 19. That Section 2, Chapter 268, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Law Enforcement the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts

for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CENTRAL ADMINISTRATION:					
FROM:					
General Account	$ 831,900	$ 302,500	$ ~~20,000~~		$ ~~1,154,400~~
			7,100		1,141,500
II. POLICE SERVICES:					
FROM:					
General Account	$ 2,041,500	$~~1,211,800~~	$ ~~186,500~~		$ ~~3,439,800~~
		1,187,900	37,700		3,267,100
Idaho Law Enforcement Telecommunications Account		165,400			165,400
Idaho Law Enforcement Drug Donation Account			25,000		25,000
Interagency Billing and Receipts Account	133,100	54,400			187,500
TOTAL	$ 2,174,600	$~~1,431,600~~	$ ~~211,500~~		$ ~~3,817,700~~
		1,407,700	62,700		3,645,000
III. IDAHO STATE POLICE DIVISION:					
FROM:					
General Account	$ ~~131,600~~	$ 68,400			$ ~~200,000~~
	104,100				172,500
Idaho Law Enforcement Account	5,315,600	1,848,400	$ 700,000		7,864,000
Federal Motor Carrier Safety Account	273,800	83,000			356,800
TOTAL	$ ~~5,721,000~~	$1,999,800	$ 700,000		$ ~~8,420,800~~
	5,693,500				8,393,300
IV. BRAND INSPECTION:					
FROM:					
State Brand Board Account	$ 1,204,700	$ 181,100	$ 34,000		$ 1,419,800
V. HORSE RACING COMMISSION:					
FROM:					
Idaho State Horse Racing Commission Account	$ 127,300	$ 87,700			$ 215,000

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Small Track Fund Account				$ 46,000	46,000
Breeder Fund Account				46,000	46,000
TOTAL	$ 127,300	$ 87,700		$ 92,000	$ 307,000
VI. ALCOHOL BEVERAGE CONTROL:					
FROM:					
General Account	$ 426,200	$ ~~168,600~~ 156,400	$~~---18,000~~		$ ~~612,800~~ 582,600
VII. POST ACADEMY:					
FROM:					
Peace Officers Account	$ 212,800	$ 297,400	$ 38,400	$ 50,000	$ 598,600
GRAND TOTAL	$~~10,698,500~~ 10,671,000	$~~4,468,700~~ 4,432,600	$~~1,021,900~~ 842,200	$142,000	$~~16,331,100~~ 16,087,800

SECTION 20. That Section 1, Chapter 97, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts from the listed accounts to be expended for the designated programs for the period July 1, 1985, through June 30, 1986:

FOR:		
State Board of Education	$ ~~52,700~~	51,400
General Administration	~~451,500~~	440,200
Scholarships and Grants	~~541,200~~	534,500
TOTAL	$~~1,045,400~~	1,026,100
FROM:		
General Account	$ ~~770,800~~	751,500
Federal Funds - State Student Incentive Grant Account		264,000
Paul L. Fowler Scholarship Fund Account		10,600
TOTAL	$~~1,045,400~~	1,026,100

SECTION 21. That Section 2, Chapter 214, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Department of Education the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1985, through June 30, 1986:

A. MANAGEMENT:

FROM:

General Account $ ~~241,900~~ 235,100

Educational Block Grant Account		61,600
TOTAL	$ ~~303,500~~	296,700
B. FINANCE AND ADMINISTRATION:		
FROM:		
General Account	$ ~~799,800~~	784,400
Interagency Billing and Receipts Account		90,800
Driver Training Account		1,507,700
Commodity Distribution Account		396,200
Educational Block Grant Account		86,800
Food Services Account		13,092,100
TOTAL	$~~15,973,400~~	15,958,000
C. STATE-FEDERAL INSTRUCTIONAL SERVICES:		
FROM:		
General Account	$ ~~797,100~~	784,100
Interagency Billing and Receipts Account		31,100
Professional Standards Commission Account		158,000
Indian Education Account		250,300
Elementary and Secondary Education Account		17,215,700
Educational Block Grant Account		2,139,300
TOTAL	$~~20,591,500~~	20,578,500
D. STATEWIDE EDUCATIONAL PLANNING AND REPORTING SYSTEM:		
FROM:		
General Account	$ ~~440,400~~	418,600
Interagency Billing and Receipts Account		2,200
SEPARS Account		520,000
TOTAL	$ ~~962,600~~	940,800
GRAND TOTAL	$~~37,831,000~~	37,774,000

SECTION 22. That Section 1, Chapter 93, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and the Blind the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
General Account	$2,627,700	$~~457,000~~	$35,000	$~~3,119,700~~
		379,000		3,041,700
State School for the Deaf and the Blind Income Account		51,200		51,200
Federal Deaf and Blind Children Account	101,400	24,900		126,300
Interagency Billing and Receipts Account		29,100		29,100
TOTAL	$2,729,100	$~~562,200~~	$35,000	$~~3,326,300~~
		484,200		3,248,300

SECTION 23. That Section 1, Chapter 246, Laws of 1985, 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, 1985, through June 30, 1986:

FOR MAJOR PROGRAMS:		
Vocational Education Programs	~~$19,116,300~~	18,726,200
Advisory Council		105,900
TOTAL	~~$19,222,200~~	18,832,100
FROM:		
General Account	~~$15,604,600~~	15,214,500
Vocational Education Act of 1963 Account		3,252,200
Interagency Billing and Receipts Account		112,500
Displaced Homemaker Account		147,000
Vocational Education Advisory Council Account		105,900
TOTAL	~~$19,222,200~~	18,832,100

SECTION 24. That Sections 1 and 2, Chapter 92, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. It is legislative intent that the appropriation for Junior College Support not exceed the following amount for the period July 1, 1985, through June 30, 1986:

FROM:		
General Account	~~$5,425,000~~	5,287,100

SECTION 2. There is hereby appropriated from the General Account to the State Board of Education for the designated programs the following amounts, to be expended for the period July 1, 1985, through June 30, 1986:

FOR:		
College of Southern Idaho	~~$2,146,200~~	2,080,100
North Idaho College	~~2,329,700~~	2,257,900
TOTAL	~~$4,475,900~~	4,338,000

SECTION 25. That Section 1, Chapter 163, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. 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 designated programs for the period July 1, 1985, through June 30, 1986:

FOR:		
General Education Programs	~~$109,888,800~~	107,613,400
FROM:		
General Account	~~$ 88,000,000~~	85,724,600

State Endowment Funds		5,840,800
Interagency Billing and Receipts Account		16,048,000
TOTAL	~~$109,888,800~~	107,613,400

The General Account appropriation in this section includes $1,975,300 for nonrecurring library acquisitions and equipment replacement.

SECTION 26. That Section 1, Chapter 101, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amount for the Idaho Geological Survey Program from the listed account, for the period July 1, 1985, through June 30, 1986:

FROM:

General Account	~~$302,500~~	294,900

SECTION 27. That Section 1, Chapter 102, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts for the Agricultural Research/Cooperative Extension Service Program from the listed accounts, for the period July 1, 1985, through June 30, 1986:

FROM:

General Account	~~$10,470,000~~	10,208,200
Federal Accounts		3,978,600
Interagency Billing and Receipts Account		179,400
TOTAL	~~$14,628,000~~	14,366,200

SECTION 28. That Section 2, Chapter 47, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho, for the Regional Health Educational Programs the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. WAMI MEDICAL EDUCATION:					
FROM:					
General Account	$ 209,700	$ 31,900		$1,598,300	$1,839,900
Interagency Billing and Receipts					

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Account	84,800	12,800	$ 8,000	170,900	276,500
TOTAL	$ 294,500	$ 44,700	$ 8,000	$1,769,200	$2,116,400
II. WOI-REGIONAL INSTRUCTION IN VETERINARY MEDICINE:					
FROM:					
General Account	$ 811,300	$ 48,000			$ 859,300
Interagency Billing and Receipts Account	134,400	140,200	$ 4,400		279,000
TOTAL	$ 945,700	$188,200	$ 4,400		$1,138,300
III. WOI-REGIONAL RESEARCH IN VETERINARY MEDICINE:					
FROM:					
General Account	$ 72,500	$ 2,400			$ 74,900
Interagency Billing and Receipts Account	36,200	2,000			38,200
TOTAL	$ 108,700	$ 4,400			$ 113,100
IV. PSEP-WICHE-UTAH MEDICAL EDUCATION:					
FROM:					
General Account				$ ~~578,000~~ 563,600	$ ~~578,000~~ 563,600
V. IDEP-IDAHO DENTAL EDUCATION PROGRAM:					
FROM:					
General Account	$ 41,000	$ 3,300		$ 195,000	$ 239,300
Interagency Billing and Receipts Account	47,900				47,900
TOTAL	$ 88,900	$ 3,300		$ 195,000	$ 287,200
GRAND TOTAL	$1,437,800	$240,600	$12,400	$~~2,542,200~~ 2,527,800	$~~4,233,000~~ 4,218,600

SECTION 29. That Section 1, Chapter 48, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education and the Board of Regents of the University of Idaho the following amounts from the listed accounts, to be expended for the

Forest Utilization Research Program for the period July 1, 1985, through June 30, 1986:

FOR:	
Forest Utilization Research	~~$107,000~~ 104,300
FROM:	
General Account	~~$107,000~~ 104,300

SECTION 30. That Section 1, Chapter 272, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho Educational Public Broadcasting System the following amount, according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
General Account	$479,600	$144,800	~~$25,600~~ 6,800	~~$ 650,000~~ 631,200
Corporation for Public Broadcasting	337,300	317,100		654,400
TOTAL	$816,900	$461,900	~~$25,600~~ 6,800	~~$1,304,400~~ 1,285,600

SECTION 31. That Section 1, Chapter 260, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Board of Education for the State Library Board the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
STATE LIBRARY SERVICES:					
FROM:					
General Account	~~$826,300~~ 792,600	$392,100	~~$ 93,600~~ 67,100	$ 26,200	~~$1,338,200~~ 1,278,000
Library Services and Construction Act Account	55,000	77,000	18,000	595,200	745,200
Interagency Billing and Receipts Account		10,000	7,000	8,000	25,000
TOTAL	~~$881,300~~ 847,600	$479,100	~~$118,600~~ 92,100	$629,400	~~$2,108,400~~ 2,048,200

SECTION 32. That Section 2, Chapter 258, Laws of 1985, be, and

the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the Idaho State Historical Society the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. HISTORICAL PRESERVATION AND EDUCATION:					
FROM:					
General Account	$418,300	~~$168,500~~	~~$20,000~~	$ 2,500	~~$ 609,300~~
		155,400	5,500		581,700
State Historical Society Foundation Account	1,000	102,200	5,900		109,100
Historical Preservation Account	222,600	221,700		40,000	484,300
TOTAL	$641,900	~~$492,400~~	~~$25,900~~	$42,500	~~$1,202,700~~
		479,300	11,400		1,175,100
B. HISTORIC SITES MAINTENANCE AND INTERPRETATION:					
FROM:					
General Account	$ 35,100	$ 32,100	~~$ 6,500~~		~~$ 73,700~~
			3,400		70,600
State Historical Society Foundation Account	75,200	21,400	500		97,100
TOTAL	$110,300	$ 53,500	~~$ 7,000~~		~~$ 170,800~~
			3,900		167,700
GRAND TOTAL	$752,200	~~$545,900~~	~~$32,900~~	$42,500	~~$1,373,500~~
		532,800	15,300		1,342,800

SECTION 33. That Section 2, Chapter 259, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the State Board of Education for the Division of Vocational Rehabilitation the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

A. RENAL DISEASE:

FROM:

General Account $ 333,500

FOR:		
Capital Outlay		$ 9,500
Trustee and Benefit Payments		324,000
TOTAL		$ 333,500
B. VOCATIONAL REHABILITATION:		
FROM:		
General Account	$1,671,600	1,621,500
Federal Vocational Rehabilitation Account		5,006,800
Interagency Billing and Receipts Account		52,500
TOTAL	$6,730,900	6,680,800
FOR:		
Personnel Costs		$2,620,300
Operating Expenditures		595,100
Capital Outlay		37,000
Trustee and Benefit Payments	3,478,500	3,428,400
TOTAL	$6,730,900	6,680,800
GRAND TOTAL	$7,064,400	7,014,300

SECTION 34. That Section 2, Chapter 110, Laws of 1985, 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 Health, to be expended for the designated programs from the listed accounts for the period July 1, 1985 through June 30, 1986:

A. PHYSICAL HEALTH SERVICES:		
FROM:		
General Account	$ 1,971,200	1,882,500
Cooperative Welfare Account		14,036,300
Cancer Control Account		375,000
Central Tumor Registry Account		100,000
TOTAL	$16,482,500	16,393,800
B. EMERGENCY MEDICAL SERVICES:		
FROM:		
General Account	$ 355,300	339,300
Emergency Medical Services Account		688,800
Cooperative Welfare Account		190,000
TOTAL	$ 1,234,100	1,218,100
C. LABORATORY SERVICES:		
FROM:		
General Account	$ 1,598,400	1,526,500
Hazardous Waste Monitoring Account		149,000
Cooperative Welfare Account		657,500
TOTAL	$ 2,404,900	2,333,000
D. SUBSTANCE ABUSE SERVICES:		
FROM:		
Alcoholism Treatment Account		$ 1,860,800
Cooperative Welfare Account		726,700
TOTAL		$ 2,587,500

GRAND TOTAL	~~$22,709,000~~	22,532,400

SECTION 35. That Section 2, Chapter 70, Laws of 1985, 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 Welfare, to be expended for the designated programs from the listed accounts for the period July 1, 1985 through June 30, 1986:

A. ELIGIBILITY SERVICES:	
FROM:	
General Account	$ 4,936,300
Cooperative Welfare Account	5,278,000
TOTAL	$ 10,214,300
B. MEDICAL ASSISTANCE PAYMENTS:	
FROM:	
General Account	$ 20,339,500
Medical Assistance Account	15,000
Liquor Account	650,000
Cooperative Welfare Account	47,007,000
TOTAL	$ 68,011,500
C. ADULT AND A.D.C. ASSISTANCE PAYMENTS:	
FROM:	
General Account	$ 9,978,400
Cooperative Welfare Account	29,004,600
TOTAL	$ 38,983,000
D. SOCIAL SERVICES:	
FROM:	
General Account	~~$ 2,383,200~~ 2,271,500
Cooperative Welfare Account	19,925,700
TOTAL	~~$ 22,308,900~~ 22,197,200
GRAND TOTAL	~~$139,517,700~~ 139,406,000

SECTION 36. That Section 1, Chapter 94, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. 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, 1985, through June 30, 1986:

A. AIR QUALITY:	
FROM:	
General Account	$ ~~188,000~~ 179,500
Cooperative Welfare Account	685,400
TOTAL	$ ~~873,400~~ 864,900
B. WATER QUALITY AND HAZARDOUS MATERIALS:	
FROM:	
General Account	$ ~~1,228,100~~ 1,172,800
Cooperative Welfare Account	1,772,300
Water Pollution Control Account	~~8,289,300~~ 8,214,300

Hazardous Waste Monitoring Account	~~121,800~~	196,800
TOTAL	~~$11,411,500~~	11,356,200
GRAND TOTAL	~~$12,284,900~~	12,221,100

SECTION 37. That Section 1, Chapter 71, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Veterans Services Program the following amount, to be expended from the listed accounts for the period July 1, 1985, through June 30, 1986:

FROM:

General Account	$ ~~458,200~~	437,600
Cooperative Welfare Account		1,997,200
Idaho Veterans Home Income Account		231,800
TOTAL	~~$2,687,200~~	2,666,600

SECTION 38. That Section 1, Chapter 95, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Department of Health and Welfare for the Indirect Support Services Program the following amounts, to be expended from the listed accounts for the period July 1, 1985, through June 30, 1986:

FROM:

General Account	~~$3,586,200~~	3,424,800
Cooperative Welfare Account		2,541,500
TOTAL	~~$6,127,700~~	5,966,300

SECTION 39. That Section 2, Chapter 130, Laws of 1985, 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 from the listed accounts for the period July 1, 1985 through June 30, 1986:

A. COMMUNITY MENTAL HEALTH SERVICES:

FROM:

General Account	$ ~~4,515,500~~	4,312,300
Cooperative Welfare Account		2,089,900
TOTAL	$ ~~6,605,400~~	6,402,200

B. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL NORTH:

FROM:

General Account	$ ~~1,613,900~~	1,541,300
Cooperative Welfare Account		596,100
Alcoholism Treatment Account		196,300
State Hospital North Income Account		376,000
TOTAL	$ ~~2,782,300~~	2,709,700

C. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL SOUTH:

FROM:		
General Account	$ ~~5,560,500~~	5,310,300
Cooperative Welfare Account		1,230,800
State Hospital South Income Account		750,000
TOTAL	$ ~~7,541,300~~	7,291,100

D. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:

FROM:		
General Account	$ ~~4,877,300~~	4,656,200
Cooperative Welfare Account		3,347,600
TOTAL	$ ~~8,224,900~~	8,003,800

E. INSTITUTIONAL DEVELOPMENTAL DISABILITY SERVICES:

FROM:		
General Account	$ ~~4,335,800~~	4,227,400
Medical Assistance Account		5,000
Cooperative Welfare Account		8,367,700
TOTAL	$~~12,708,500~~	12,600,100

F. STATE YOUTH SERVICES CENTER:

FROM:		
General Account	$ ~~3,405,200~~	3,252,000
Cooperative Welfare Account		199,600
State Youth Training Center Income Account		370,800
TOTAL	$ ~~3,975,600~~	3,822,400
GRAND TOTAL	$~~41,838,000~~	40,829,300

SECTION 40. That Section 1, Chapter 262, Laws of 1985, be, and the same is hereby amended to read as follows:

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, 1985 through June 30, 1986:

FOR:		
Public Health District Programs	$~~2,326,200~~	2,221,500
FROM:		
General Account	$~~2,326,200~~	2,221,500

SECTION 41. That Section 2, Chapter 262, Laws of 1985, be, and the same hereby amended to read as follows:

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, 1985 through June 30, 1986:

FOR:		
Public Health District Programs	$~~2,326,200~~	2,221,500
FROM:		
Public Health Trust Account	$~~2,326,200~~	2,221,500

SECTION 42. That Section 1, Chapter 85, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation the following amount, from the listed accounts for the period July 1, 1985, through June 30, 1986:

FROM:

General Account	~~$2,057,100~~	1,964,600
Cross-Country Skiing Account		21,100
Park & Recreation Capital Improvement Account		689,200
Park & Recreation Account		723,900
Waterways Improvement Account		350,000
Park Donation Account		5,300
Lava Hot Springs Foundation Account		510,800
Off-Road Motor Vehicle Account		312,100
State Snowmobile Account		170,000
Lucky Peak Concession Account		8,000
Motorbike Recreation Account		5,400
Parks and Recreation Federal Account		5,800
Coast Guard Boat Safety Account		130,000
Federal Pass-Through Account		1,500,000
Federal Surcharge Account		326,000
Harriman State Park Account		100,700
TOTAL	~~$6,915,400~~	6,822,900

SECTION 43. That Section 2, Chapter 89, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Lands the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPPORTING SERVICES:					
FROM:					
General Account	$ 667,100	~~$ 231,400~~	~~$--5,900~~		~~$ 904,400~~
		196,600			863,700
Interagency Billing and Receipts Account		18,800	$ 7,200		26,000
U.S. Clark-McNary Account	196,300	21,200	8,100		225,600
Forest Management Account	47,800	11,800			59,600
Lands Federal Account		33,400			33,400
TOTAL	$ 911,200	~~$ 316,600~~	~~$ 21,200~~		~~$ 1,249,000~~
		281,800	15,300		1,208,300

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General Account	$1,388,200	$ 212,000	$ ~~99,500~~		$ ~~1,699,700~~
			23,000		1,623,200
Land Commissioners Scaling Trust Account	492,700	55,400	10,000		558,100
Insect Disease Control Account	141,000	150,600	1,300		292,900
Site Restoration Account	10,000	120,700	3,000		133,700
10% Timber Lease Account	957,100	1,352,200	42,100		2,351,400
Lands Federal Account	56,700	25,200			81,900
TOTAL	$3,045,700	$1,916,100	$~~155,900~~		$ ~~5,117,700~~
			79,400		5,041,200
III. LANDS AND RANGE RESOURCES MANAGEMENT:					
FROM:					
General Account	$ 676,300	$ 84,100	$ ~~53,600~~		$ ~~814,000~~
			17,000		777,400
Interagency Billing and Receipts Account		42,000			42,000
10% Grazing Lease Account	68,700	72,800	51,600		193,100
TOTAL	$ 745,000	$ 198,900	$~~105,200~~		$ ~~1,049,100~~
			68,600		1,012,500
IV. EARTH RESOURCES MANAGEMENT:					
FROM:					
General Account	$ 358,300	$ ~~40,000~~	$-~~10,400~~		$ ~~408,700~~
		32,000			390,300
Oil and Gas Commission Account		3,500			3,500
Mining Bond Forfeiture Account		5,200	800		6,000
10% Recreation Lease Account	11,300	33,800			45,100
TOTAL	$ 369,600	$ ~~82,500~~	$ ~~11,200~~		$ ~~463,300~~
		74,500	800		444,900

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
V. FOREST & RANGE FIRE PROTECTION:					
FROM:					
General Account	$ 405,700	$ ~~751,300~~ 692,000		$161,000	$ ~~1,318,000~~ 1,258,700
Forest & Range Conservation Account	6,000	3,800			9,800
U.S. Clark-McNary Account	774,000	65,300	164,400		1,003,700
TOTAL	$1,185,700	$ ~~820,400~~ 761,100	$164,400	$161,000	$ ~~2,331,500~~ 2,272,200
VI. HAZARD MANAGEMENT & EROSION CONTROL:					
FROM:					
Forest Management Account	$ 921,500	$ 651,100	$ 41,000		$ 1,613,600
Soil Erosion Control Account	134,200	233,600			367,800
Clearwater Potlatch Timber Protection Association Account		1,547,800			1,547,800
Southern Idaho Timber Protection Association Account		363,100			363,100
TOTAL	$1,055,700	$2,795,600	$ 41,000		$ 3,892,300
VII. SOILS & WATER MANAGEMENT:					
FROM:					
General Account	$ 163,900	$ ~~29,000~~ 19,000	$ 300	$~~142,100~~ 137,000	$ ~~335,300~~ 320,200
Lands Federal Account	57,500	56,900			114,400
TOTAL	$ 221,400	$ ~~85,900~~ 75,900	$ 300	$~~142,100~~ 137,000	$ ~~449,700~~ 434,600
VIII. SCALING PRACTICES:					
FROM:					
Log Scalers Law Account	$ 136,200	$ 37,500	$ 1,500		$ 175,200
GRAND TOTAL	$7,670,500	$~~6,253,500~~ 6,141,400	$~~500,700~~ 371,300	$~~303,100~~ 298,000	$~~14,727,800~~ 14,481,200

SECTION 44. That Section 2, Chapter 265, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Department of Water Resources the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT & SUPPORT SERVICES					
FROM:					
General Account	$ 306,300	$ ~~229,000~~	~~$23,500~~		$ ~~558,800~~
		227,400			533,700
Water Conservation and Development Account		20,000			20,000
Miscellaneous Federal Account	117,800	34,500			152,300
TOTAL	$ 424,100	$ ~~283,500~~	~~$23,500~~		$ ~~731,100~~
		281,900			706,000
II. RESOURCES ANALYSIS					
FROM:					
General Account	$ 675,800	$ ~~151,800~~	~~$---500~~	~~$157,500~~	$ ~~985,600~~
		115,400		150,000	941,200
Miscellaneous Federal Account	186,700	27,800			214,500
TOTAL	$ 862,500	$ ~~179,600~~	~~$---500~~	~~$157,500~~	~~$1,200,100~~
		143,200		150,000	1,155,700
III. ENERGY RESOURCES					
FROM:					
General Account	$ 92,800	$ ~~23,200~~			$ ~~116,000~~
		18,000			110,800
Federal Energy Account	596,100	685,300			1,281,400
TOTAL	$ 688,900	$ ~~708,500~~			~~$1,397,400~~
		703,300			1,392,200
IV. REGIONAL OFFICES					
FROM:					
General Account	$ 766,600	$ ~~243,500~~	~~$44,600~~		~~$1,054,700~~
		240,600			1,007,200
Watermaster					

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Services Account	109,600	21,300			130,900
TOTAL	$ 876,200	$ ~~264,800~~ 261,900	~~$44,600~~		~~$1,185,600~~ 1,138,100
V. OPERATIONS BUREAU					
FROM:					
General Account	$ 555,800	$ ~~116,100~~ 98,100	~~$12,800~~		$ ~~684,700~~ 653,900
Miscellaneous Federal Account	10,600				10,600
TOTAL	$ 566,400	$ ~~116,100~~ 98,100	~~$12,800~~		$ ~~695,300~~ 664,500
GRAND TOTAL	$3,418,100	~~$1,552,500~~ 1,488,400	~~$81,400~~	~~$157,500~~ 150,000	~~$5,209,500~~ 5,056,500

SECTION 45. That Section 1, Chapter 105, Laws of 1985, be, and the same is hereby amended to read as follows:

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, 1985, through June 30, 1986:

FOR:		
Personnel Costs		$50,800
Operating Expenditures	~~15,000~~	12,000
TOTAL	~~$65,800~~	62,800
FROM:		
General Account	~~$65,800~~	62,800

SECTION 46. That Section 2, Chapter 69, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Attorney General the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. STATE LEGAL SERVICES:				
FROM:				
General Account	~~$1,097,800~~ 1,079,500	$225,400	~~$11,700~~ 6,600	~~$1,334,900~~ 1,311,500

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Interagency Billing and Receipts Account	1,392,100	10,500		1,402,600
TOTAL	~~$2,489,900~~	$235,900	~~$11,700~~	~~$2,737,500~~
	2,471,600		6,600	2,714,100
B. SPECIAL SERVICES LITIGATION:				
FROM:				
General Account		~~$ 50,000~~		~~$ 50,000~~
		11,000		11,000
GRAND TOTAL	~~$2,489,900~~	~~$285,900~~	~~$11,700~~	~~$2,787,500~~
	2,471,600	246,900	6,600	2,725,100

SECTION 47. That Section 1, Chapter 264, Laws of 1985, be, and the same is hereby amended to read as follows:

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, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$377,200	~~$82,300~~	~~$2,500~~	~~$462,000~~
		64,000		441,200
Interagency Billing and Receipts Account	36,800			36,800
TOTAL	$414,000	~~$82,300~~	~~$2,500~~	~~$498,800~~
		64,000		478,000

SECTION 48. That Section 2, Chapter 100, Laws of 1985, be, and the same is hereby amended to read as follows:

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, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. AUDITING AND ACCOUNTING:				

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$ 646,000	$ ~~125,100~~		$ ~~771,100~~
		106,200		752,200
Interagency Billing and Receipts Account			$6,400	6,400
TOTAL	$ 646,000	$ ~~125,100~~	$6,400	$ ~~777,500~~
		106,200		758,600
B. SOCIAL SECURITY:				
FROM:				
General Account	$ 123,300	$ ~~23,900~~	~~$--200~~	$ ~~147,400~~
		20,500		143,800
Social Security Trust Account		7,800		7,800
TOTAL	$ 123,300	$ ~~31,700~~	~~$--200~~	$ ~~155,200~~
		28,300		151,600
C. DATA CENTER:				
FROM:				
General Account		$ ~~929,300~~		$ ~~929,300~~
		906,400		906,400
Interagency Billing and Receipts Account	$1,419,300	678,000		2,097,300
TOTAL	$1,419,300	~~$1,607,300~~		~~$3,026,600~~
		1,584,400		3,003,700
GRAND TOTAL	$2,188,600	~~$1,764,100~~	~~$6,600~~	~~$3,959,300~~
		1,718,900	6,400	3,913,900

SECTION 49. That Section 1, Chapter 196, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the State Auditor, Financial Improvement Practices Program, for redesign of the Employee Information System, the following amount, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

FOR:		
Personnel Costs	~~$184,100~~	145,000
Operating Expenditures	~~64,900~~	52,600
~~Capital Outlay~~		~~1,000~~
Total	~~$250,000~~	197,600
FROM:		
General Account	~~$250,000~~	197,600

SECTION 50. That Section 2, Chapter 57, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Secretary of State, the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OFFICE OF THE SECRETARY OF STATE:					
FROM:					
General Account	$466,200	$120,200	~~$73,300~~		$ ~~659,700~~
			39,100		625,500
II. COMMISSION ON UNIFORM LAWS:					
FROM:					
General Account		$ ~~8,900~~			$ ~~8,900~~
		8,500			8,500
III. ARTS AND HUMANITIES COMMISSION:					
FROM:					
General Account	$106,700	$ ~~21,700~~	~~$-3,400~~	$ 5,800	$ ~~137,600~~
		18,900			131,400
Interagency Billing and Receipts Account		43,700		5,800	49,500
Idaho Commission on Arts and Humanities Account	65,800	188,900		212,600	467,300
TOTAL	$172,500	~~$254,300~~	~~$-3,400~~	$224,200	$ ~~654,400~~
		251,500			648,200
GRAND TOTAL	$638,700	~~$383,400~~	~~$76,700~~	$224,200	~~$1,323,000~~
		380,200	39,100		1,282,200

SECTION 51. That Section 2, Chapter 197, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Public Utilities Commission the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts

for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. UTILITIES REGULATION:				
FROM:				
Public Utilities Commission Account	$ 733,500	$691,100	$ 37,500	$1,462,100
B. REGULATED CARRIERS:				
FROM:				
Public Utilities Commission Account	$ 253,200	$169,900	$ 26,200	$ 449,300
C. ADMINISTRATION:				
FROM:				
General Account	$ ~~137,100~~ 134,100			$ ~~137,100~~ 134,100
Public Utilities Commission Account	397,000	$131,600	$ 70,000	598,600
TOTAL	$ ~~534,100~~ 531,100	$131,600	$ 70,000	$ ~~735,700~~ 732,700
GRAND TOTAL	$~~1,520,800~~ 1,517,800	$992,600	$133,700	$~~2,647,100~~ 2,644,100

SECTION 52. That Section 1, Chapter 164, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Legislative Council the following amounts from the listed accounts, to be expended according to designated expense classes for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$389,300	~~$231,300~~ 203,400		~~$620,600~~ 592,700
Interagency Billing and Receipts Account		42,000		42,000
TOTAL	$389,300	~~$273,300~~ 245,400		~~$662,600~~ 634,700

SECTION 53. That Section 2, Chapter 164, Laws of 1985, be, and

the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

FOR: Legislative Auditor, Legislative Budget Office and Joint Senate Finance-House Appropriations Committee Programs	~~$1,305,300~~	1,262,300
FROM: General Account	~~$ 955,300~~	912,300
Interagency Billing and Receipts Account		350,000
TOTAL	~~$1,305,300~~	1,262,300

SECTION 54. That Section 3, Chapter 164, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 3. It is legislative intent that the appropriation made in Section 2 of this act shall be expended as follows for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
A. LEGISLATIVE AUDITOR:			
FROM:			
General Account	$ ~~550,400~~		$ ~~550,400~~
	525,600		525,600
Interagency Billing and Receipts Account	294,900	$ 55,100	350,000
TOTAL	$ ~~845,300~~	$ 55,100	$ ~~900,400~~
	820,500		875,600
B. LEGISLATIVE BUDGET OFFICE:			
FROM:			
General Account	$ 351,400	$ ~~35,500~~	$ ~~386,900~~
		18,100	369,500
C. JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE:			
FROM:			
General Account	$ 6,000	$ ~~12,000~~	$ ~~18,000~~
		11,200	17,200
GRAND TOTAL	$~~1,202,700~~	$~~102,600~~	$~~1,305,300~~
	1,177,900	84,400	1,262,300

SECTION 55. That Section 1, Chapter 30, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Supreme Court the following amounts, from the listed accounts, for the period July 1, 1985, through June 30, 1986:

FROM:

General Account	~~$9,017,400~~	8,862,000
Interagency Billing and Receipts Account		77,800
TOTAL	~~$9,095,200~~	8,939,800

SECTION 56. Notwithstanding the provisions of Section 67-451(2), Idaho Code, the March 1, 1986 transfer from the General Account to the Legislative Account shall be $796,500.

SECTION 57. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 7, 1986.

CHAPTER 2
(H.B. No. 403)

AN ACT
RELATING TO THE COUNTERSIGNATURE OF INSURANCE POLICIES; AMENDING SECTION 41-1058, IDAHO CODE, TO PROVIDE FOR A FACSIMILE SIGNATURE.

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

SECTION 1. That Section 41-1058, Idaho Code, be, and the same is hereby amended to read as follows:

41-1058. COUNTERSIGNATURE OF POLICIES -- POWER OF ATTORNEY. (1) When the signature or countersignature of a general lines agent is required on an insurance contract or rider or indorsement thereto, the agent shall, except as provided in section 41-337(1), Idaho Code, and subsection (2) below, affix his signature thereon, by original written signature.

(2) The general lines agent may grant a power of attorney in writing to an individual who is twenty-one (21) years or more of age ~~and is employed full time on salary by the agent in the agent's office~~, authorizing such ~~employee~~ person to countersign or cause a facsimile of the agent's signature to be placed on policies~~, riders~~ and indorsements in his name and behalf. The power of attorney shall be acknowledged by the agent under oath before a notary public and shall be kept on file in the agent's office.

Approved February 14, 1986.

CHAPTER 3
(S.B. No. 1214)

AN ACT

RELATING TO THE DUTIES OF THE SHEEP COMMISSION; AMENDING SECTION 25-130, IDAHO CODE, TO PROVIDE THAT ANY CHANGE IN THE RATE OF THE SPECIAL ASSESSMENT MUST BE MADE TO BE EFFECTIVE AT THE START OF A CALENDAR YEAR.

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

SECTION 1. That Section 25-130, Idaho Code, be, and the same is hereby amended to read as follows:

25-130. FIXING ASSESSMENT RATE -- PAYMENT OF CLAIMS -- REPORT -- INSPECTION, QUARANTINE AND TREATMENT OF SHEEP -- DISTRICTS. The board shall meet ~~annually~~ and fix the rate of special assessment to be levied as provided for in this chapter. Any change in the rate of the special assessment shall be made to be effective at the start of a calendar year. The board shall audit all bills of salaries and expenses incurred in the enforcement of this chapter that may be payable from the sheep commission account which shall be audited, allowed and paid as other claims against the state. The board shall make an annual report in writing to the governor on or before the first day of December in each year, giving a statement of the transactions of the board and facts relating to the condition of the sheep industry in this state and facts relating to the prevention and control of damage caused by predatory animals and other vertebrate pests within the state. The board shall have power to order an inspection or quarantine of any sheep in the state of Idaho, whether diseased or exposed to disease, to compel dipping or other treatment of sheep, whether diseased or exposed to disease, at such times and as often as it deems necessary to insure the suppression or eradication of scabies or any infectious or contagious disease of sheep and divide the state into such districts as may be necessary for the enforcement of this chapter.

Approved February 14, 1986.

CHAPTER 4
(S.B. No. 1222)

AN ACT

RELATING TO COOPERATIVE MARKETING ASSOCIATIONS; AMENDING SECTION 22-2610, IDAHO CODE, TO PERMIT COOPERATIVE MARKETING ASSOCIATIONS TO UTILIZE A REVOLVING FUND METHOD OF FINANCING.

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

SECTION 1. That Section 22-2610, Idaho Code, be, and the same is hereby amended to read as follows:

22-2610. BYLAWS -- ADOPTION -- CONTENTS -- AMENDMENT. Each association incorporated under this chapter must, within thirty (30) days after its incorporation, adopt for its government and management, a code of bylaws, not inconsistent with the powers granted by this chapter. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such bylaws. Each association under its bylaws may, also, provide for any or all of the following matters:

a. The time, place and manner of calling and conducting its meetings.

b. The number of stockholders or members constituting a quorum.

c. The right of members or stockholders to vote by proxy or by mail or by both, and the conditions, manner, form, and effects of such votes.

d. The number of directors thereof, which must not be less than five (5) and may be any number in excess thereof, the term of office of such directors and the number of directors constituting a quorum.

e. The qualifications, compensation and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof.

f. Penalties for violations of the bylaws.

g. The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same, and the purposes for which they may be used.

h. The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

i. The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which, and time when membership of any member shall cease. The automatic suspension of the rights of a member when he ceases to be eligible to membership in the association, and mode, manner and effect of the expulsion of the member; manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member of forfeiture of his membership, or, at the option of the association, by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member the board of directors shall ~~equitably and conclusively appraise his property interests in the associa-~~

~~tion-and-shall-fix-the-amount-thereof-in-money,-which-shall-be-paid-to him-in-money,-preferred-stock-in-the-association-or-by-such-other-evidence--of--the-obligation-as-the-bylaws-of-the-association-may-permit,~~ make certain that the capital furnished by such terminated member is correctly recorded on the books of the corporation in direct relationship to his patronage and such terminated member shall be notified of such interest by payment in money or issuance of stock in the association or issuance of such other evidence of the capital interest as the bylaws of the association may permit or any combination of the foregoing; within one (1) year after such expulsion or withdrawal.

This act is intended to permit the association to establish and accumulate reasonable reserves and surplus funds and to abolish the same; also to create, maintain, and terminate revolving funds or other similar funds; to utilize a revolving fund method of financing, or such other methods as may be prudent and compatible with agricultural cooperative organizations; in the manner as provided for in the bylaws of the association.

The interest of an existing or former member in the association's capital reserve or equity accounts is an equity interest and not a debt, and is revolvable in the manner defined in the bylaws and subject to the restrictions defined therein. The issuance of notices of allocation and/or of equity reserve balances, or any other form sufficient to place the existing or former member on notice of his equity interest in the association shall satisfy the recording, appraisal, notification and/or payment requirement hereinabove set forth or as set forth in the bylaws. Revolving of capital reserve or equity accounts shall be at the discretion of the board of directors and the bylaws may specifically so provide.

Non-equity obligations will be paid according to their terms.

The bylaws of any association incorporated under this chapter may be altered or amended at any regular meeting or at any special meeting of the members or stockholders thereof called for that purpose by the affirmative vote of two-thirds (2/3) of the members or stockholders present at such meeting: provided, that a quorum as specified in the bylaws of the association be present: and, provided further, that where the bylaws of said association authorize voting by mail and a mail vote pursuant to such bylaws is taken on the question of altering or amending such bylaws, the affirmative vote of a majority of all members or stockholders voting on such question shall be required.

Approved February 14, 1986.

CHAPTER 5
(S.B. No. 1248)

AN ACT

RELATING TO EXPIRATION DATES OF HUNTING AND FISHING LICENSES; AMENDING SECTION 36-403, IDAHO CODE, TO INCLUDE DISABLED PERSON PERMITS WITHIN EXPIRATION PROVISIONS OF THE SECTION.

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

SECTION 1. That Section 36-403, Idaho Code, be, and the same is hereby amended to read as follows:

36-403. EXPIRATION DATES -- LICENSES, TAGS AND PERMITS. (a) Annual Licenses -- Tags and Permits. All annual hunting and fishing licenses shall expire December 31 of the year for which they are valid. Trapping licenses shall expire on June 30 next following date of issuance. All tags and permits issued pursuant to the provisions of this chapter shall be valid only during the time that the corresponding basic license is valid.

(b) Senior Resident and Disabled Person Permits. Senior resident and disabled person permits shall expire and must be renewed five (5) years from date of issuance. Said permit shall become null and void if the holder fails to maintain continuous bona fide Idaho residency. All free senior resident permits issued informally prior to January 1, 1972, shall be valid until the expiration date shown on said permits.

Approved February 14, 1986.

CHAPTER 6
(S.B. No. 1225)

AN ACT

RELATING TO THE DUTIES OF THE ATTORNEY GENERAL; AMENDING SECTION 67-1401, IDAHO CODE, TO REMOVE THE REQUIREMENT THAT THE ATTORNEY GENERAL SUBMIT A COPY OF HIS DOCKET TO THE GOVERNOR.

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

SECTION 1. That Section 67-1401, Idaho Code, be, and the same is hereby amended to read as follows:

67-1401. DUTIES OF ATTORNEY GENERAL. It is the duty of the attorney general:

1. To attend the Supreme Court and prosecute or defend all causes to which the state or any officer thereof, in his official capacity, is a party; and all causes to which any county may be a party, unless the interest of the county is adverse to the state or some officer thereof acting in his official capacity. Also to prosecute and defend all the above-mentioned causes in the United States courts. And in all cases where he shall be required to attend upon the United States courts, other than those sitting within this state, he shall be allowed his necessary and actual expenses, all claims for which shall be audited by the state board of examiners.

2. After judgment in any of the causes referred to in the preceding subdivision, to direct the issuing of such process as may be

necessary to carry the same into execution.

3. To account for and pay over to the proper officer all moneys which may come into his possession belonging to the state or to any county.

4. To supervise nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust and to enforce whenever necessary any noncompliance or departure from the general purpose of such trust and, in order to accomplish such purpose, said nonprofit corporations, corporations, charitable or benevolent societies, person or persons holding property subject to any public or charitable trust are subject at all times to examination by the attorney general, on behalf of the state, to ascertain the condition of its affairs and to what extent, if at all, said trustee or trustees may have failed to comply with trusts said trustee or trustees have assumed or may have departed from the general purpose for which it was formed. In case of any such failure or departure, the attorney general shall institute, in the name of the state, any proceeding necessary to enforce compliance with the terms of the trust or any departure therefrom.

5. To exercise supervisory powers over prosecuting attorneys in all matters pertaining to the duties of their offices, and from time to time require of them reports as to the condition of public business intrusted to their charge.

6. To give his opinion in writing, without fee, to the legislature or either house thereof, and to the governor, secretary of state, treasurer, auditor, and the trustees or commissioners of state institutions, when required, upon any question of law relating to their respective offices. It shall be his duty to keep a record of all written opinions rendered by his office and such opinions shall be compiled annually and made available for public inspection. All costs incurred in the preparation of said opinions shall be borne by the office of the attorney general. A copy of the opinions shall be furnished to the supreme court and to the state librarian.

7. When required by the public service, to repair to any county in the state and assist the prosecuting attorney thereof in the discharge of his duties.

8. To bid upon and purchase, when necessary, in the name of the state, and under the direction of the auditor, any property offered for sale under execution issued upon judgments in favor of or for the use of the state, and to enter satisfaction in whole or in part of such judgments as the consideration for such purchases.

9. Whenever the property of a judgment debtor in any judgment mentioned in the preceding subdivision has been sold under a prior judgment, or is subject to any judgment, lien, or encumbrance, taking precedence of the judgment in favor of the state, under the direction of the auditor, to redeem such property from such prior judgment, lien, or encumbrance; and all sums of money necessary for such redemption must, upon the order of the board of examiners, be paid out of any money appropriated for such purposes.

10. When in his opinion it may be necessary for the collection or enforcement of any judgment hereinbefore mentioned, to institute and

prosecute, in behalf of the state, such suits or other proceedings as he may find necessary to set aside and annul all conveyances fraudulently made by such judgment debtors; the cost necessary to the prosecution must, when allowed by the board of examiners, be paid out of any appropriations for the prosecution of delinquents.

11. To discharge the other duties prescribed by law.

12. To report to the governor, at the time required by this code, the condition of the affairs of his department~~, and to accompany the same with a copy of his docket,~~ and of the reports received ~~from~~ by him from prosecuting attorneys.

Approved February 20, 1986.

CHAPTER 7
(H.B. No. 463)

AN ACT

RELATING TO FEES FOR NONRESIDENT HUNTING LICENSES AND NONRESIDENT GAME TAGS; AMENDING SECTION 36-407, IDAHO CODE, TO INCREASE NONRESIDENT HUNTING LICENSE FEES; AMENDING SECTION 36-409, IDAHO CODE, TO INCREASE NONRESIDENT GAME TAG FEES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the fifth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting License. A license issued only to a person twelve (12) years of age or older entitling said person to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals and predatory birds and animals and to purchase game tags as provided in subsection 36-409(b), Idaho Code. A license of this kind may be had upon payment of ~~seventy~~ eighty-five dollars ($~~7~~85.00).

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had by persons fourteen (14) years of age or older upon payment of thirty-five dollars ($35.00).

(c) Nonresident Trapping License. A license entitling a person to trap fur-bearing, unprotected, and predatory animals. A license of this kind may be had upon payment of one hundred and fifty dollars ($150.00) providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A license entitling a person to carry a shotgun or rifle for the protection of livestock, or to

pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of ten dollars ($10.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

(e) Nonresident Ten Day Fishing License. A license entitling a person to fish in the waters of the state for a period of ten (10) consecutive days only. A license of this kind may be had upon payment of seventeen dollars ($17.00).

(f) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of five dollars ($5.00) per day for each effective day thereof.

SECTION 2. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- ARCHERY PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has obtained a permit to hunt, as provided in section 36-401, Idaho Code, or has purchased a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear, or turkey in accordance with the laws of this state and regulations promulgated by the commission; provided further, that the holder of a senior resident permit may be issued a bear, deer or elk tag without charge.

(b) Nonresident Game Tags. A nonresident who has purchased a hunting license, as provided in section 36-407(a), Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear or turkey in accordance with the laws of this state and regulations promulgated by the commission.

(c) Schedule of Game Tag Fees.

Game	Resident	Nonresident
Moose	$ 60.00	~~$150.00~~ 500.00
Bighorn Sheep	60.00	~~150.00~~ 500.00
Mountain Goat	60.00	~~150.00~~ 500.00
Elk	13.50	~~151.50~~ 235.00
Deer	7.50	~~51.50~~ 90.00
Antelope	26.50	~~51.50~~ 90.00
Mountain Lion	10.00	~~50.00~~ 100.00
Bear	6.00	~~25.00~~ 40.00
Turkey	6.00	~~12.00~~ 25.00

(d) Game Tags Required -- To Be Endorsed on License. The appropriate tag must be had for the hunting or taking of each and every one (1) of the aforementioned wildlife. Provided, however, that the requirements for a mountain lion tag or a bear tag, as to different periods of time and areas of the state, shall be determined and specified by the commission. All of said tags are to bear and have serial numbers to be endorsed on the purchaser's license by the vendor at the time of sale.

(e) Game Tag to Be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission regulation.

(f) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any persons participating in any controlled or general game season which has been specifically designated as an archery hunt must have in his possession an archery hunt permit which may be purchased at a fee of five dollars ($5.00).

(g) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season which has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit which may be purchased at a fee of five dollars ($5.00).

(h) Penalty. Failure to comply with any of the provisions of this section shall constitute a misdemeanor.

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

Approved February 20, 1986.

CHAPTER 8
(H.B. No. 365)

AN ACT

RELATING TO ANTIQUE SLOT MACHINES; AMENDING SECTION 18-3804, IDAHO CODE, TO STRIKE AN OBSOLETE TERM; AMENDING CHAPTER 38, TITLE 18, BY THE ADDITION OF A NEW SECTION 18-3810, IDAHO CODE, TO PROVIDE THAT THE POSSESSION OF ANTIQUE SLOT MACHINES SHALL BE UNLAWFUL AND PROVIDING EXCEPTIONS.

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

SECTION 1. That Section 18-3804, Idaho Code, be, and the same is hereby amended to read as follows:

18-3804. JUDGE TO ISSUE WARRANT -- SEIZURE OF ARTICLES. Whenever

any judge ~~or justice of the peace~~ shall have knowledge or shall receive satisfactory information, that there is any gambling table or gambling device, adopted or devised and designed for the purpose of playing any of the games of chance prohibited in section 18-3801, Idaho Code, within his district or county, it shall be his duty to forthwith issue his warrant, directed to the sheriff or constable, to seize and bring before him such gambling table or other device, and cause the same to be publicly destroyed, by burning or otherwise.

SECTION 2. That Chapter 38, 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 18-3810, Idaho Code, and to read as follows:

18-3810. SLOT MACHINES -- POSSESSION UNLAWFUL -- EXCEPTION. (1) Except as otherwise provided in this section, it shall be a misdemeanor and punishable as provided in section 18-3801, Idaho Code, for any person to use, possess, operate, keep, sell, or maintain for use or operation or otherwise, anywhere within the state of Idaho, any slot machine of any sort or kind whatsoever.

(2) The provisions of section 18-3804, Idaho Code, shall not apply to antique slot machines. For the purpose of this section, an antique slot machine is a slot machine manufactured prior to 1950, the operation of which is exclusively mechanical in nature and is not aided in whole or in part by any electronic means.

(3) Antique slot machines may be sold, possessed or located for purposes of display only and not for operation.

(4) An antique slot machine may not be operated for any purpose.

Approved February 21, 1986.

CHAPTER 9
(H.B. No. 444)

AN ACT

RELATING TO URBAN RENEWAL AGENCIES; AMENDING SECTION 50-2006, IDAHO CODE, TO PROVIDE THAT THE MAYOR MAY APPOINT A BOARD OF COMMISSIONERS OF AN URBAN RENEWAL AGENCY WHICH SHALL CONSIST OF NOT LESS THAN FIVE NOR MORE THAN NINE COMMISSIONERS FOR TERMS NOT TO EXCEED FIVE YEARS, AND TO PROVIDE IN THE ORDER OF APPOINTMENT THE MAYOR SHALL DESIGNATE THE NUMBER OF COMMISSIONERS TO BE APPOINTED AND THE TERMS OF EACH, PROVIDED THAT THE ORIGINAL TERMS OF OFFICE OF NO MORE THAN TWO COMMISSIONERS MAY EXPIRE IN THE SAME YEAR, AND TO PROVIDE FOR THE APPOINTMENT AND ELECTION OF A CHAIRMAN, A COCHAIRMAN OR A VICE-CHAIRMAN; AND AMENDING SECTION 50-2017, IDAHO CODE, TO DELETE THE PROHIBITION THAT A COMMISSIONER OF AN URBAN RENEWAL AGENCY, BOARD OR COMMISSION MAY NOT HOLD ANY OTHER PUBLIC OFFICE UNDER THE MUNICIPALITY WHERE THE URBAN RENEWAL AGENCY IS LOCATED;

AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-2006, Idaho Code, be, and the same is hereby amended to read as follows:

50-2006. URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" for the municipality: provided, that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the findings prescribed in section 50-2005, Idaho Code.

(b) Upon the local governing body making such findings, the urban renewal agency is authorized to transact the business and exercise the powers hereunder by a board of commissioners to be appointed or designated as follows:

(1) The mayor, by and with the advice and consent of the local governing body, shall appoint a board of commissioners of the urban renewal agency which shall consist of not less than five (5) commissioners nor more than nine (9) commissioners. In the order of appointment, the mayor shall designate the number of commissioners to be appointed, and the term of each, provided that the original term of office of no more than two (2) commissioners shall expire in the same year. The commissioners ~~who are first appointed~~ shall ~~be designated to~~ serve for terms ~~of one (1), two (2), three (3), four (4) and~~ not to exceed five (5) years, ~~respectively,~~ from the date of appointment, ~~but thereafter commissioners shall be appointed as aforesaid for a term of five (5) years,~~ except that all vacancies shall be filled for the unexpired term. For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearings and have had an opportunity to be heard in person or by counsel.

(2) By enactment of an ordinance, the local governing body may appoint and designate itself to be the board of commissioners of the urban renewal agency, in which case all the rights, powers, duties, privileges and immunities vested by the urban renewal law of 1965, and as amended, in an appointed board of commissioners, shall be vested in the local governing body, who shall, in all respects when acting as an urban renewal agency, be acting as an arm of state government, entirely separate and distinct from the municipality, to achieve, perform and accomplish the public purposes prescribed and provided by said urban renewal law of 1965, and as amended.

(3) By enactment of an ordinance, the local governing body may terminate the appointed board of commissioners and thereby appoint and designate itself as the board of commissioners of the urban renewal agency.

(c) A commissioner shall receive no compensation for his services

but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the municipality and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of an urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the ~~by-laws~~ bylaws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this act.

The mayor ~~shall designate the first~~ may appoint a chairman ~~and~~, a cochairman, or a vice-chairman for a term of office of one (1) year from among the commissioners, thereafter the commissioners shall elect the chairman ~~and~~, cochairman or vice-chairman for a term of one (1) year from among their members. An agency may employ an executive director, technical experts and such other agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this act shall file, with the local governing body, on or before March 31 of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk or county recorder and in the office of the agency.

SECTION 2. That Section 50-2017, Idaho Code, be, and the same is hereby amended to read as follows:

50-2017. INTERESTED PUBLIC OFFICIALS, COMMISSIONERS OR EMPLOYEES. No public official or employee of a municipality (or board or commission thereof), and no commissioner or employee of an urban renewal agency shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project in such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the agency and such disclosure shall be entered upon the minutes of the

agency. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban renewal project, he shall immediately disclose this fact in writing to the agency, and such disclosure shall be entered upon the minutes of the agency, and any such official, commissioner or employee shall not participate in any action by the municipality (or board or commission thereof), or urban renewal agency affecting such property. ~~No--commissioner--or-other-officer-of-any-urban-renewal-agency,-board-or-commission-exercising-powers-pursuant-to--this--act--shall--hold--any--other public--office--under-the-municipality-other-than-his-commissionership or-office-with-respect-to-such-urban-renewal-agency.~~ Any violation of the provisions of this section shall constitute misconduct in office.

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

Approved February 21, 1986.

CHAPTER 10
(S.B. No. 1395)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE DIVISION OF VOCATIONAL REHABILITATION IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 259, LAWS OF 1985; 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 259, Laws of 1985, there is hereby appropriated to the State Board of Education for the Division of Vocational Rehabilitation the following amount to be expended for the designated expense class from the listed account for the period July 1, 1985, through June 30, 1986:

FOR:	
Trustee and Benefit Payments	$24,300
FROM:	
Interagency Billing and Receipts Account	$24,300

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

Approved February 21, 1986.

CHAPTER 11
(H.B. No. 387)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO INCORPORATE AMENDMENTS MADE TO THE INTERNAL REVENUE CODE BY CONGRESS IN 1985; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3004, 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, 1986~~5, except that amendments made to the Internal Revenue Code by the 1984 Tax Reform Act (P.L. 98-369) shall be in effect in defining the term "Internal Revenue Code" on and after the effective date of the changes to the Internal Revenue Code by that act~~.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1986.

Approved February 26, 1986.

CHAPTER 12
(H.B. No. 559)

AN ACT

APPROPRIATING MONEYS TO CERTAIN REGULATORY BOARDS IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 46, LAWS OF 1985; 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 46, Laws of 1985, there is hereby appropriated to the following Regulatory Boards in the Department of Self-governing Agencies the following amounts to be expended for the named programs according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:			
FROM:			
Public Works Contractors State License Board Account	$2,000		$2,000
B. BOARD OF PHARMACY:			
FROM:			
Pharmacy Board Account		$3,500	$3,500

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

Approved February 26, 1986.

CHAPTER 13
(H.B. No. 558)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 265, LAWS OF 1985; 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 265, Laws of 1985, there is hereby appropriated to the Department of Water Resources 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, 1985, through June 30, 1986:

PROGRAM	
RESOURCES ANALYSIS:	
FOR:	
Operating Expenses	$9,300
FROM:	
Water Conservation and Development Account	$9,300

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

Approved February 26, 1986.

CHAPTER 14
(H.B. No. 409)

AN ACT
RELATING TO RECORDER'S FEES; AMENDING SECTION 31-3205, IDAHO CODE, TO PROVIDE A FEE FOR EACH RELEASE OR ASSIGNMENT OF AN INSTRUMENT.

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

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

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

For recording every instrument, paper or notice, for each page .... $ 2.00
For copies of any record or paper, for each page ..... $ 1.00
For each certificate under seal, when required ..... $ 1.00
For release or assignment ~~of--mortgage~~ where more than one (1) ~~mortgage~~ document is released or assigned in the same instrument, for each additional release or assignment ..... $ 1.00
For recording every town plat or map, for first one hundred (100) lots or less $10.00
And for each additional lot ..... $ .05
For taking acknowledgments, including seal ..... $ 1.00
For recording the location notice or amended location notice, of a mining claim, or for recording and indexing each notice, for each page ..... $ 2.00
For recording affidavit of labor of mining claims for one (1) mining claim ..... $ 3.00
Plus an additional charge for each claim in excess of one (1) .... $ .50
For filing a survey ..... $ 5.00
For making copy of a survey ..... $ 4.00
For issuing marriage license, filing, recording and indexing the certificate of marriage and taking and filing affidavits required in issuance of the license $10.00
For administering an oath, including jurat ..... $ 1.00
And certifying the same when required an additional sum of .. $ 1.00
For comparing and certifying a prepared copy of a file or record in his office, for each page ..... $ .50
For making and certifying a report of search for lien upon personal property, excluding Uniform Commercial Code, for each name searched ..... $ 5.00
For each certificate under seal there shall be an additional fee of ..... $ 1.00

All instruments delivered to the county recorder for record shall be recorded rather than filed with the exception of plats, surveys, cornerstone markers and instruments under the Uniform Commercial Code.

For all other services as recorder, not enumerated herein, the fee fixed in the statute requiring the service or the same fee as allowed the clerk of the district court for like service.

A page shall not exceed fourteen (14) inches in length nor eight and one-half (8 1/2) inches in width. The recording fee to be charged for maps, sketches, drawings or other instruments except plats larger than the size permitted above for a page shall be two cents (2¢) per square inch.

Approved February 26, 1986.

CHAPTER 15
(S.B. No. 1407)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE, DIVISION OF WELFARE, IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 70, LAWS OF 1985; 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 70, Laws of 1985, there is hereby appropriated to the Department of Health and Welfare, Division of Welfare, the following amount to be expended for the named program from the listed account for the period July 1, 1985, through June 30, 1986:

A. MEDICAL ASSISTANCE PAYMENTS:

FROM:

Cooperative Welfare Account $400,000

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

Approved February 26, 1986.

CHAPTER 16
(S.B. No. 1289)

AN ACT

RELATING TO NONRESIDENT FISHING, HUNTING AND TRAPPING LICENSES; AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE FOR A TWO DAY NONRESIDENT HUNTING LICENSE FOR THE HUNTING OF UPLAND GAME BIRDS, MIGRATORY GAME BIRDS, COTTONTAIL RABBITS AND PYGMY RABBITS, TO PROVIDE PROHIBITIONS AND TO PROVIDE FEES.

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

SECTION 1. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the fifth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting License. A license issued only to a person twelve (12) years of age or older entitling said person to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals and predatory birds and animals and to purchase game tags as provided in subsection 36-409(b), Idaho Code. A license of this kind may be had upon payment of seventy-five dollars ($75.00).

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had by persons fourteen (14) years of age or older upon payment of thirty-five dollars ($35.00).

(c) Nonresident Trapping License. A license entitling a person to trap fur-bearing, unprotected, and predatory animals. A license of this kind may be had upon payment of one hundred and fifty dollars ($150.00) providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A license entitling a person to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of ten dollars ($10.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

(e) Nonresident Ten Day Fishing License. A license entitling a person to fish in the waters of the state for a period of ten (10) consecutive days only. A license of this kind may be had upon payment of seventeen dollars ($17.00).

(f) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of five dollars ($5.00) per day for each effective day thereof.

(g) Nonresident Two Day Hunting License. A license issued only to a person twelve (12) years of age or older, entitling the person to hunt upland game birds (to include turkeys), migratory game birds, cottontail rabbits, and pygmy rabbits for any two (2) consecutive days. A person holding this license may not hunt pheasants in an area during the first five (5) days of the pheasant season in that area. A

license of this type may be had upon payment of forty-five dollars ($45.00).

Approved February 26, 1986.

CHAPTER 17
(S.B. No. 1215)

AN ACT

RELATING TO REGULATIONS OF DISTRICT BOARDS OF HEALTH; AMENDING SECTION 39-416, IDAHO CODE, TO STRIKE REFERENCE TO REQUIRED APPROVAL OF HEALTH DISTRICT RULES BY THE STATE BOARD OF HEALTH AND WELFARE, TO PROVIDE THAT HEALTH DISTRICT RULES SHALL BE SUBMITTED FOR LEGISLATIVE REVIEW, AND TO PROVIDE THAT THE STATE BOARD OF HEALTH AND WELFARE MAY DISAPPROVE OF A HEALTH DISTRICT'S PROPOSED RULES UPON THE ADVICE OF THE ATTORNEY GENERAL.

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

SECTION 1. That Section 39-416, Idaho Code, be, and the same is hereby amended to read as follows:

39-416. REGULATIONS ADOPTED BY DISTRICT BOARD -- PROCEDURE. (1) The district board by the affirmative vote of a majority of its members may adopt, amend or rescind regulations, rules and standards as it deems necessary to carry out the purposes and provisions of this act. ~~Before such rules and regulations shall become effective they must be approved by the state board of health and welfare within one hundred twenty (120) days after the submission to the state board.~~

(2) Every rule, regulation or standard adopted, amended, or rescinded by the district board shall be done in a manner conforming to the provisions of chapter 52, title 67, Idaho Code~~, and the rules and regulations promulgated thereunder by the state board of health and welfare~~.

(3) At ~~least sixty (60) days prior to the public hearing all~~ the same time that proposed rules, regulations and standards are transmitted to the director of the legislative council, they shall be submitted for review and comment to the state board of health and welfare, ~~every municipality within the public health district's jurisdiction~~ and to the board of county commissioners of each county within the public health district's jurisdiction. ~~Notice of all hearings shall be given to the persons named herein and no rule shall be effective unless the provisions of this section are followed.~~ The state board of health and welfare shall, within seventy-five (75) days of receipt of a district board's proposed rules or regulations, disapprove of the adoption of the rules or regulations if, on the advice of the attorney general, such rules and regulations would be in conflict with state laws, rules or regulations. The state board of health and

welfare shall immediately advise the district board as to the reason for the disapproval.

(4) This section does not apply to measures adopted in the operation of the district board in its administrative functions and duties, as enumerated in section 39-414, Idaho Code.

Approved February 26, 1986.

CHAPTER 18
(H.B. No. 371)

AN ACT

RELATING TO THE CORPORATE INCOME TAX; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3025C, IDAHO CODE, EXEMPTING CORPORATIONS NOT ORGANIZED FOR PROFIT FROM THE MINIMUM TAX UNLESS SUCH CORPORATIONS RECEIVE UNRELATED BUSINESS INCOME; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

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

63-3025C. CORPORATIONS EXEMPT FROM MINIMUM TAX. The minimum tax provisions of sections 63-3025 and 63-3025A, Idaho Code, shall not apply to any corporation which is not organized for profit and is not required to pay any federal tax on unrelated business income under the provisions of section 511 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, 1986.

Approved February 28, 1986.

CHAPTER 19
(H.B. No. 411)

AN ACT

RELATING TO MUNICIPAL AND COUNTY SOLID WASTE DISPOSAL; AMENDING CHAPTER 3, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-344, IDAHO CODE, TO PROVIDE CITIES THE POWER TO COLLECT SOLID WASTE BY CONTRACT, FRANCHISE OR OTHERWISE, AND EXEMPTING COMPETI-

TIVE BIDDING; AND AMENDING SECTION 31-4403, IDAHO CODE, RELATING TO COUNTY SOLID WASTE DISPOSAL TO PROVIDE FOR EXEMPTION FROM COMPETITIVE BIDDING.

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

SECTION 1. That Chapter 3, 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 50-344, Idaho Code, and to read as follows:

50-344. SOLID WASTE DISPOSAL. (1) Cities shall have the power to maintain and operate solid waste collection systems. Such maintenance and operation may be performed by:

(a) Employees, facilities, equipment and supplies engaged or acquired by cities;

(b) Contracts, franchises or otherwise providing maintenance and operation performed by private persons;

(c) Contracts providing for maintenance and operation performed by another unit of government;

(d) Contracts, franchises or otherwise for maintenance and operation that may provide solid waste collection for all or geographic parts of a city;

(e) Any combination of paragraphs (a), (b), (c), and (d) of this section.

(2) Upon a finding by the mayor or city manager for public safety or necessary protection of public health and welfare and property, the provisions of section 50-341, Idaho Code, shall not apply to solid waste collection, as provided herein.

(3) Before entering into such contracts, franchises or otherwise, a city may require such security for the performance thereof as it deems appropriate or may waive such undertaking.

SECTION 2. That Section 31-4403, Idaho Code, be, and the same is hereby amended to read as follows:

31-4403. OPERATION AND MAINTENANCE. It shall be the duty of the board of county commissioners in each of the several counties to acquire sites or facilities, and maintain and operate solid waste disposal systems. Such maintenance and operation may be performed through or by:

(1) Employees, facilities, equipment and supplies hired by or acquired by the board of county commissioners;

(2) Contracts, franchises or otherwise, entered into by the board to have the maintenance and operation performed by private persons;

(3) Contracts entered into by the board to have the maintenance and operation performed by another unit of government;

(4) Contracts, fFranchises or otherwise, granted pursuant to law by the board, for all or any part or parts of the county;

(5) Any combination of subsections (1), (2), (3), and (4) of this sec~~o~~ion~~.~~;

(6) Notwithstanding any other provision of law, to the contrary, in order to provide for the public health, safety, and well being, the board of county commissioners and/or another unit of state government, may determine whether solid waste disposal systems services are to be provided by means of a contract, franchise or otherwise, provided for under subsection (2), or any contract, franchise or otherwise, awarded under subsection (4), with or without compulsory competitive bidding;

(7) The board of county commissioners before entering into such contracts, franchises or otherwise may require such security for the performance thereof as it deems appropriate or may waive such undertaking.

Approved February 28, 1986.

CHAPTER 20
(H.B. No. 585)

AN ACT

AMENDING SECTION 1, CHAPTER 103, LAWS OF 1985, RELATING TO THE APPROPRIATION TO THE DEPARTMENT OF INSURANCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 1, Chapter 103, Laws of 1985, be, and the same is hereby amended to read as follows:

SECTION 1. There is hereby appropriated to the Department of Insurance the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Insurance Administration Account	$721,900	$671,300	$147,600	$1,540,800
Arson, Fire and Fraud Prevention Account	186,700	143,500	20,000	350,200
Title Insurance Account	~~2,000~~ 12,800	~~10,800~~		12,800
TOTAL	~~$910,600~~ 921,400	~~$825,600~~ 814,800	$167,600	$1,903,800

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

on and after its passage and approval.

Approved February 28, 1986.

CHAPTER 21
(S.B. No. 1315)

AN ACT

RELATING TO LIBRARY DISTRICTS; AMENDING SECTION 33-2720, IDAHO CODE, TO PROVIDE THAT DISSOLUTION OF LIBRARY DISTRICTS MAY TAKE PLACE AT ANY TIME AFTER FORMATION, AND TO PROVIDE FOR RETIREMENT OF DEBTS AND DISTRIBUTION OF TAX MONIES OF A DISSOLVED DISTRICT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-2720, Idaho Code, be, and the same is hereby amended to read as follows:

33-2720. DISSOLUTION OF LIBRARY DISTRICT. A library district may be dissolved according to procedures followed in its original organization~~,--but-not-earlier-than-five-(5)-years-after-the--date--of--its establishment;--provided,-however,-that-a-library-district-may-be-dissolved-sooner-if-it-has-not-received-any--ad--valorem--taxes--for--its operating--budget--or--to--satisfy-any-maturing-bond,-bond-interest-or judgment-obligations-during-the-district's--first--two--(2)--years--of organization~~. If the library district embraces territory in more than one (1) county, an election for its dissolution shall be deemed approved only if a majority of the votes cast in each such county were cast in the affirmative. If, upon the canvass of ballots, it be determined that the proposition has been approved, the board of county commissioners of the home county shall enter its order to that effect and transmit a copy of said order to the board of county commissioners in any other county affected, and said order shall by them be made a matter of record. When any library district is dissolved, ~~all-unpaid taxes-shall,-when-collected,-revert-to-the-general-expense-fund-of-the county-where-levied,-and~~ all property and assets of the library district shall be disposed of by the board of county commissioners of the home county. Receipts from the sale of assets and all unpaid taxes, when collected, shall be first used to retire any indebtedness of the district. Any remainder shall be apportioned to the counties embraced in the library district in proportion to the assessed valuation of each which was included in the library district, and placed in the respective county general expense fund. If, after the application of the tax monies and sale proceeds, indebtedness remains, the board of county commissioners of the home county shall provide for the payment of the remaining indebtedness from special levies certified to each county in proportion to the assessed valuation of each which was

included in the district. The tax shall be collected by each county and remitted to the home county for payment of the remaining indebtedness.

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

Approved February 28, 1986.

CHAPTER 22
(H.B. No. 366)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE THAT EMPLOYEES OF EDUCATIONAL SERVICE AGENCIES THAT PERFORM SERVICES IN AN EDUCATIONAL INSTITUTION SHALL BE DENIED UNEMPLOYMENT INSURANCE BENEFITS BETWEEN TERMS AND DURING VACATION AND HOLIDAY PERIODS, AND TO PROVIDE THAT DETERMINATIONS DENYING UNEMPLOYMENT INSURANCE BENEFITS TO INDIVIDUALS BECAUSE OF THEIR ALIEN STATUS SHALL BE MADE UPON A PREPONDERANCE OF THE EVIDENCE.

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

SECTION 1. 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, avail-

able 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 or to accept suitable work when offered to him. The longer a claimant has been unemployed, the more willing he must be to seek types of work other than in his ordinary trade or occupation and to accept work at a lower rate of pay. 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.

(i) 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.

(j) 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.

(k) 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.

(l) 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.

(m) A benefit claimant shall not be entitled to benefits if his principal occupation is self-employment.

(n) A benefit claimant who has been found ineligible for benefits under the provisions of subsections (c), (e), (f), (g) or (i) of this section may reestablish his eligibility by having obtained bona fide work and received wages therefor in an amount of at least sixteen (16) times his weekly benefit amount.

(o) 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.

(p) 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 five and one-half (5 1/2) times his weekly benefit amount established during the first benefit year.

(q) (1) With respect to weeks of unemployment beginning after December 31, 1977, benefits based on wages earned for services performed in an instructional, research, or principal administrative capacity for an educational institution shall not be paid for any week of unemployment commencing during the period between two (2) successive academic years, or during a similar period between two (2) terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years (or terms) and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms.

(2) With respect to weeks of unemployment beginning after December 31, 1977, benefits based on wages earned for services performed in any other capacity for an educational institution shall not be paid to any individual for any week which commences during a period between two (2) successive school years or terms if such individual performs such services in the first of such school years or terms, and there is a contract or reasonable assurance that such individual will perform such services in the second of such school years or terms, 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~~ any services described in paragraphs (1) and (2) of this subsection, 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.

(4) With respect to any services described in paragraphs (1) and (2) of this subsection, benefits shall not be payable on the basis of services in any such capacities as specified in paragraphs (1), (2) and (3) of this subsection to any individual who performed such services in an educational institution while in the employ of an educational service agency. For purposes of this paragraph the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one or more educational institutions.

(r) 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).

(s) (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.

(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence.

Approved March 4, 1986.

CHAPTER 23
(H.B. No. 367)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1350, IDAHO CODE, TO PROVIDE A NEW RATE CLASS OF DEFICIT EMPLOYERS AND TO PROVIDE CONTRIBUTION RATES FOR SUCH DEFICIT EMPLOYERS.

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

SECTION 1. That Section 72-1350, Idaho Code, be, and the same is hereby amended 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 calendar years 1985 and 1986, the contribution rates for all covered experience-rated employers shall be determined in accordance with schedule VI.

(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 1987, 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.

(f) Schedules of Contribution Rates

			SCHED. I	SCHED. II	SCHED. III	SCHED. IV	SCHED. V	SCHED. VI	SCHED. VII	SCHED. VIII	SCHED. IX
Minimum Ratio of Fund to Total Wages			(.0500)	(.0450)	(.0400)	(.0350)	(.0300)	(.0250)	(.0200)	(.0150)	(----)
Cumulative Taxable Payroll Limits											
Rate Class	More Than (% of Total Taxable Payroll)	Equal to or Less Than (% of Total Taxable Payroll)	Contribution Rates for Eligible Employers								
1	--	10	0.1%	0.5%	0.9%	1.3%	1.5%	1.7%	2.1%	2.5%	2.9%
2	10	22	0.4	0.8	1.2	1.6	1.8	2.0	2.4	2.8	3.2
3	22	37	0.7	1.1	1.5	1.9	2.1	2.3	2.7	3.1	3.5
4	37	52	1.0	1.4	1.8	2.2	2.4	2.6	3.0	3.4	3.8
5	52	67	1.3	1.7	2.1	2.5	2.7	2.9	3.3	3.7	4.1
6	67	82	1.6	2.0	2.4	2.8	3.0	3.2	3.6	4.0	4.4
7	82	--	1.9	2.3	2.7	3.1	3.3	3.5	3.9	4.3	4.7
Contribution Rates for Standard-Rated Employers:			2.1%	2.5%	2.9%	3.3%	3.5%	3.7%	4.1%	4.5%	4.9%
Cumulative Taxable Payroll Limits											
Rate Class	More Than (% of Total Taxable Payroll)	Equal to or Less Than (% of Total Taxable Payroll)	Contribution Rates for Deficit Employers								
1	--	20	2.4	2.8	3.2	3.6	3.8	4.0	4.4	4.8	5.2
2	20	40	2.8	3.2	3.6	4.0	4.2	4.4	4.8	5.2	5.6
3	40	60	3.2	3.6	4.0	4.4	4.6	4.8	5.2	5.6	6.0
4	60	80	3.6	4.0	4.4	4.8	5.0	5.2	5.6	6.0	6.4
5	80	--99	4.0	4.4	4.8	5.2	5.4	5.6	6.0	6.4	6.8
6	99	--	5.4	5.4	5.4	5.4	5.4	5.6	6.0	6.4	6.8

(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.

Approved March 4, 1986.

CHAPTER 24
(H.B. No. 395)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; REPEALING CHAPTER 4, TITLE 44, IDAHO CODE, TO ELIMINATE OBSOLETE PROVISIONS; AMENDING SECTION 72-1351, IDAHO CODE, TO PROVIDE THAT FOR EXPERIENCE RATING PURPOSES, NO CHARGE SHALL BE MADE TO A COVERED EMPLOYER'S ACCOUNT FOR BENEFITS PAID TO A WORKER WHO CONTINUES TO PERFORM SERVICES FOR SUCH EMPLOYER AND RECEIVES BENEFITS DUE TO A REDUCTION IN EARNINGS FROM ANOTHER EMPLOYER; AND AMENDING SECTION 72-1369, IDAHO CODE, TO ALLOW THE DEPARTMENT TO DEEM OVERPAYMENTS RESULTING FROM FRAUD TO BE UNCOLLECTIBLE IF NOT RECOVERED WITHIN EIGHT YEARS, AND TO PROVIDE FOR THE WAIVER OF OVERPAYMENTS IF 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.

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

SECTION 1. That Chapter 4, Title 44, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 72-1351, Idaho Code, be, and the same is hereby amended to read as follows:

72-1351. EXPERIENCE RATING. (a) Subject to the other provisions of this act, each eligible and deficit employer's (except cost reimbursement employers) contribution rate shall be determined in the manner set forth below for ~~the calendar year 1963 and for~~ each calendar year ~~thereafter~~:

(1) (i) Each eligible employer shall be given an "experience

factor" which shall be the ratio of excess of contributions over benefits paid on the employer's account since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the four (4) fiscal years immediately preceding the computation date, except that when an employer first becomes eligible, his "experience factor" will be computed on his average annual taxable payroll for the two (2) fiscal years or more, but not to exceed four (4) fiscal years, immediately preceding the computation date. The computation of such "experience factor" shall be to six (6) decimal places.

(ii) Each deficit employer shall be given a "deficit experience factor" which shall be the ratio of excess of benefits paid on the employer's account over contributions since December 31, 1939, to his average annual taxable payroll rounded to the next lower dollar amount for the one or more fiscal years, but not to exceed four (4) fiscal years, for which he had covered employment ending on the computation date; provided, however, that any employer who on any computation date has a "deficit experience factor" for the period immediately preceding such computation date but who has filed all reports, paid all contributions and penalties due on or before the cut off date, and has during the last four (4) fiscal years occuring after June 30, 1958, paid contributions at a rate of not less than the standard rate applicable for each such year and in excess of benefits charged to his experience rating account during such years, shall have any balance of benefits charged to his account which on the computation date immediately preceding such four (4) fiscal years were in excess of contributions paid, deleted from his account, and the excess benefits so deleted shall not be considered in the computation of his contribution rate for the rate years following such four (4) fiscal years. For the rate year following such ~~compensation~~ computation date, he shall be given the standard rate for that year.

(iii) In the event an employer's coverage has been terminated because he has ceased to do business or because he has not had covered employment for a period of four (4) years, and if said employer thereafter becomes a covered employer, he will be considered as though he were a new employer, and he shall not be credited with his previous experience under the act for the purpose of computing any future "experience factor."

(2) Schedules shall be prepared listing all eligible employers in inverse numerical order of their experience factors, and all deficit employers in numerical order of their deficit experience factors. There shall be listed on such schedules for each such employer in addition to the experience factor (a) the amount of his taxable payroll for the fiscal year ending on the computation date, and (b) cumulative total consisting of the sum of such

employer's taxable payroll for the fiscal year ending on the computation date and the corresponding taxable payrolls for all other employers preceding him on such schedules.

(3) The cumulative taxable payroll amounts listed on the schedules provided for in paragraph (2) of this subsection shall be segregated into groups whose limits shall be those set out in the table of schedules of contribution rates, section 72-1350, Idaho Code, subsection (f). Each of such groups shall be identified by the rate class number listed in the table which represents the percentage limits of each group. Each employer on the schedules shall be assigned that contribution rate opposite his rate class for the tax schedule in effect for the taxable year.

(4) (i) If the grouping of rate classes requires the inclusion of exactly one-half (1/2) of an employer's taxable payroll, such employer shall be assigned the lower of the two (2) rates designated for the two (2) classes in which the halves of his taxable payroll are so required.

(ii) If the group of rate classes requires the inclusion of a portion other than exactly one-half (1/2) of an employer's taxable payroll, such employer shall be assigned the rate designated for the class in which the greater part of his taxable payroll is so required.

(iii) If one or more employers on the schedules have experience factors identical to that of the last employer included in a particular rate class, all such employers shall be included in and assigned the contribution rate specified for such class, notwithstanding the provisions of paragraph (3) of this subsection.

(5) If the taxable payroll amount or the experience factor or both such taxable payroll amount and experience factor of any eligible or deficit employer listed on the schedules is changed, such employer shall be placed in that position on the schedules which he would have occupied had his taxable payroll amount and/or experience factor as changed been used in determining his position in the first instance, but such change shall not affect the position or rate classification of any other employer listed on the schedules and shall not affect the rate determination for previous years.

(b) For experience rating purposes, all previously accumulated benefit charges to covered employers' accounts, except cost reimbursement employers, pursuant to the applicable regulations prior to the effective date of this subsection shall not be changed except as provided by this act. Benefits paid prior to June 30~~,--with--respect--to benefit--years--commencing-with-July-1,-1967,-and-thereafter~~ shall, as of June 30 of each year preceding the calendar year for which a covered employer's contribution rate is effective, be charged to the account of the covered employer, except cost reimbursement employers, who paid the largest individual amount of base period wages as shown on the determination used as the basis for the payment of such benefits, except that ~~after-the-effective-date-of-this-act~~ no charge shall be made to the account of such covered employer with respect to bene-

fits paid under the following situations:

(1) If paid to a worker who terminated his services voluntarily without good cause attributable to such covered employer, or who had been discharged for misconduct in connection with such services;

(2) If paid in accordance with the provisions of section 72-1368(j), Idaho Code, and such determination of decision to pay benefits is subsequently reversed; or

(3) For that portion of benefits paid to multistate claimants pursuant to section 72-1344, Idaho Code, which exceeds the amount of benefits that would have been charged had only Idaho wages been used in paying the claim.

(4) If paid in accordance with the extended benefit program triggered by either national or state indicators.

(5) If paid to a worker who continues to perform services for such covered employer without a reduction in his customary work schedule, and who is eligible to receive benefits due to layoff or a reduction in earnings from another employer.

(c) A covered employer whose experience rating account is chargeable, as prescribed by this section, is an interested party as defined in section 72-1323, Idaho Code. An experience rating record shall be maintained for each covered employer. The record shall be credited with all contributions which the covered employer has paid for covered employment prior to the cut off date, pursuant to the provisions of this and preceding acts, and which covered employment occurred prior to the computation date. The record shall also be charged with the amount of benefits paid which are chargeable to the covered employer's account as provided by the appropriate provisions of the unemployment compensation law, and employment security law, and regulations thereunder in effect at the time such benefits were paid. Nothing in this section shall be construed to grant any covered employer or individual in his service a priority with respect to any claim or right because of amounts paid by such covered employer into the employment security fund.

(d) (1) Whenever any individual or type of organization (whether or not a covered employer within the meaning of section 72-1315, Idaho Code) in any manner succeeds to, or acquires all/or substantially all, of the business of an employer who at the time of acquisition was a covered employer, and in respect to whom the director finds that the business of the predecessor is continued solely by the successor, the separate account and the actual contribution, benefit and taxable payroll experience of the predecessor shall, upon the joint application of the predecessor and the successor within the ninety (90) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and rate of contribution, and any successor who was not an employer on the date of acquisition shall as of such date become a covered employer as defined in this act; provided, however, that such ninety (90) day period may be extended, at the discretion of the director, and provided further that whenever a predecessor covered

employer has a deficit experience rating account as of the last computation date such transfer, as herein provided, shall be mandatory except where it is shown by substantial evidence, that the management or ownership or both management and ownership are not substantially the same for the successor as for the predecessor, in which case the successor shall begin with the rate of a new employer.

(2) Whenever any individual or type of organization, whether or not a covered employer within the meaning of section 72-1315, Idaho Code, in any manner succeeds to, or acquires, part of the business of an employer who at the time of acquisition was a covered employer, and such portion of the business is continued by the successor, so much of the separate account and the actual contribution, benefit and taxable payroll experience of the predecessor as is attributable to the portion of the business transferred, as determined on a pro rata basis in the same ratio that the wages of covered employees properly allocable to the transferred portion of the business bears to the payroll of the predecessor in the last four (4) completed calendar quarters immediately preceding the date of transfer, shall, upon the joint application of the predecessor and the successor within ninety (90) days after such acquisition and approval by the director, be transferred to the successor employer for the purpose of determining such successor's liability and rate of contribution and any successor who was not an employer on the date of acquisition shall as of such date become a covered employer as defined in this act; provided, however, that such ninety (90) day period may be extended at the discretion of the director, and provided further that whenever a predecessor covered employer has a deficit experience rating account as of the last computation date, such transfer, as herein provided, shall be mandatory except where it is shown by substantial evidence, that the management or ownership or both management and ownership are not substantially the same for the successor as for the predecessor, in which case the successor shall begin with the rate of a new employer. Whenever such mandatory transfer involves only a portion of the experience rating record, and the predecessor or successor employers fail within ten (10) days after notice to supply the required payroll information, the transfer shall be based on estimates of the allocable payrolls.

(3) (i) If the successor was a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his rate of contribution, effective the first day of the calendar quarter immediately following the date of acquisition, shall be a newly computed rate based on the combined experience of the predecessor and successor, the resulting rate remaining in effect the balance of the rate year.

(ii) If the successor was not a covered employer prior to the date of the acquisition of all or a part of the predecessor's business, his rate shall be the rate applicable to the predecessor with respect to the period immediately

preceding the date of acquisition, but if there were more than one predecessor the successor's rate shall be a newly computed rate based on the combined experience of the predecessors, becoming effective immediately after the date of acquisition, and shall remain in effect the balance of the rate year.

SECTION 3. 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 or under an unemployment compensation or unemployment insurance law of any state or of the federal government 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~~ and such overpayments not recovered within eight (8) years from the date of the final determination establishing liability to repay may be deemed uncollectible;

(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 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.

Approved March 4, 1986.

CHAPTER 25
(H.B. No. 396)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1328, IDAHO CODE, TO DEFINE THE PAYMENTS THAT ARE WAGES FOR UNEMPLOYMENT INSURANCE PURPOSES.

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

SECTION 1. That Section 72-1328, Idaho Code, be, and the same is hereby amended to read as follows:

72-1328. WAGES. (a) The term "wages" means all remuneration for personal services from whatever source, including commissions and bonuses and the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director. The term "wages" also includes all tips received while performing services in covered employment totaling twenty dollars ($20.00) or more in a month, and which are reported in writing to the employer as required under federal law.

(b) The term "wages" shall not include:

(1) The amount of any payment ~~made after June 30, 1955,~~ (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), made to, or on behalf of, an individual or any of his dependents under a plan or system established by an employer which makes provision generally for individuals performing service for him (or for such individuals generally and their dependents) or for a class or classes of such individuals (or for a class or classes of such individuals and their dependents), ~~or~~ on account of (i) ~~retirement, or (ii)~~ sickness or accident disability (but, in the case of payments made to an employee or any of his dependents, this subparagraph shall exclude from the term "wages" only payments which are received under a workmen's compensation law), or (iii) medical or hospitalization expenses in connection with sickness or accident disability, or (~~iv~~iii) death;

(2) ~~The amount of any payment made after June 30, 1955, by an employer to an individual performing service for him (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment) on account of retirement;~~

~~(3)~~ The amount of any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability~~,--made-after-June-30,-1955,~~ by an employer to, or on behalf of, an individual performing services for him after the expiration of six (6) calendar months following the last calendar month in which the individual performed services for such employer;

(~~4~~3) The amount of any payment made ~~after-June-30,--1955,~~ by an employer to, or on behalf of, an individual performing services for him or his beneficiary (i) from or to a trust described in section 401(a) of the Federal Internal Revenue Code which is exempt from tax under section 501(a) of the Federal Internal Revenue Code at the time of such payment unless such payment is made to an individual performing services for the trust as remuneration for such services and not as a beneficiary of the trust, or (ii) under or to an annuity plan which, at the time of such payments, ~~meets--the-requirements-of-section-401(a)(3),-(4),-(5),-and-(6)~~ is a plan described in section 403(a) of the Federal Internal Revenue Code;

(~~5~~4) The amount of any payment made by an employer (without deduction from the remuneration of the individual in its employ) of the tax imposed upon an individual in his employ under section 3101 of the Federal Internal Revenue Code ~~with-respect-to--service performed-after-June-30,-1955~~; or

~~(6)--Dismissal--payments--before-June-30,-1955,-which-the-employer is-not-legally-required-to-make;-or~~

(~~7~~5) Noncash payments for farm work.

(c) Except as otherwise provided in regulations prescribed by the director, any third party which makes a sickness or accident disability payment, which is not excluded from wages under subsection (b)(1)(i) of this section, shall be treated as the employer with respect to such payment of wages for the purposes of this act.

Approved March 4, 1986.

CHAPTER 26
(S.B. No. 1415)

AN ACT

AMENDING SECTION 47, CHAPTER 1, LAWS OF 1986, RELATING TO THE APPROPRIATION TO THE STATE TREASURER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 47, Chapter 1, Laws of 1986, be, and the same is hereby amended to read as follows:

SECTION 47. That Section 1, Chapter 264, Laws of 1985, be, and

the same is hereby amended to read as follows:

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, 1985, through June 30, 1986:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	~~$377,200~~	~~$82,300~~	~~$2,500~~	~~$462,000~~
	342,600	~~64,000~~		~~441,200~~
		29,400		372,000
Interagency Billing and Receipts Account	~~36,800~~	45,400		~~36,800~~
	71,400			116,800
TOTAL	$414,000	~~$82,300~~	~~$2,500~~	~~$498,800~~
		~~64,000~~		~~478,000~~
		74,800		488,800

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

Approved March 5, 1986.

CHAPTER 27
(H.B. No. 513)

AN ACT

RELATING TO ASSESSMENTS ON LENTILS AND PEAS; AMENDING SECTION 22-3515, IDAHO CODE, TO INCREASE ASSESSMENTS BY TWO CENTS PER CWT. PER YEAR STARTING ON JULY 1, 1986, THROUGH JULY 1, 1988, ON LENTILS, DRY GREEN AND YELLOW AND SMOOTH VARIETIES OF PEAS, AUSTRIAN WINTER PEAS, DRY GREEN AND YELLOW SEED PEAS GROWN IN THE STATE OF IDAHO AND SOLD OR CONTRACTED THROUGH COMMERCIAL CHANNELS AND ON CHICKPEAS OR GARBANZOS GROWN IN IDAHO NORTH OF THE SALMON RIVER AND SOLD OR CONTRACTED THROUGH COMMERCIAL CHANNELS.

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) (a) From and after the first day of July, 1983~~6~~, through June 30, 1987, there is hereby levied and imposed an assessment of ~~eight~~ ten cents (~~8~~10¢) per cwt. on lentils, ~~seven~~ nine cents (~~7~~9¢) per cwt. on dry green and yellow and

other smooth varieties of peas, ~~seven~~ nine cents (~~7~~9¢) per cwt. on Austrian winter varieties of peas and ~~seven~~ nine cents (~~7~~9¢) per cwt. on smooth green and yellow seed peas sold on or after July 1, 198~~3~~6, but before July 1, 1987, dockage free weight, grown in the state of Idaho and sold or contracted through commercial channels~~, and each and every crop grown thereafter, which~~.

From and after the first day of July, 1987, through June 30, 1988, there is hereby levied and imposed an assessment of twelve cents (12¢) per cwt. on lentils, eleven cents (11¢) per cwt. on dry green and yellow and other smooth varieties of peas, eleven cents (11¢) per cwt. on Austrian winter varieties of peas and eleven cents (11¢) per cwt. on smooth green and yellow seed peas sold on or after July 1, 1987, but before July 1, 1988, dockage free weight, grown in the state of Idaho and sold or contracted through commercial channels.

From and after the first day of July, 1988, there is hereby levied and imposed an assessment of fourteen cents (14¢) per cwt. on lentils, thirteen cents (13¢) per cwt. on dry green and yellow and other smooth varieties of peas, thirteen cents (13¢) per cwt. on Austrian winter varieties of peas and thirteen cents (13¢) per cwt. on smooth green and yellow seed peas sold on or after July 1, 1988, dockage free weight, grown in the state of Idaho and sold or contracted through commercial channels, and each and every crop grown thereafter. The assessment provided in this subsection 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.

(b) From and after the first day of July 1, 198~~5~~6, through June 30, 1987, there is hereby levied and imposed an assessment of ~~eight~~ ten cents (8~~1~~0¢) per cwt. on chickpeas or garbanzos sold after July 1, 198~~5~~6, but before July 1, 1987, dockage free weight, grown north of the Salmon River and sold or contracted through commercial channels~~, and each and every crop grown thereafter, which~~.

From and after July 1, 1987 through June 30, 1988, there is hereby levied and imposed an assessment of twelve cents (12¢) per cwt. on chickpeas or garbanzos sold after July 1, 1987, but before July 1, 1988, dockage free weight, grown north of the Salmon River and contracted through commercial channels.

From and after July 1, 1988, there is hereby levied and imposed an assessment of fourteen cents (14¢) per cwt. on chickpeas or garbanzos sold after July 1, 1988, dockage free weight, grown north of the Salmon River and sold or contracted through commercial channels, and each and every crop grown thereafter. The assessment provided in this subsection shall be due on or before the time when such chickpeas or garbanzos 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. The Idaho pea and lentil commission shall contract with the Idaho bean commission for any domestic advertising.

(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 5, 1986.

CHAPTER 28
(H.B. No. 504)

AN ACT

RELATING TO THE IDAHO STATE COUNCIL ON DEVELOPMENTAL DISABILITIES; AMENDING SECTION 67-6704, IDAHO CODE, TO REQUIRE SPECIFIC REPRESENTATION ON THE COUNCIL OF THE DESIGNATED STATE ORGANIZATION PROVIDING PROTECTION AND ADVOCACY SERVICES TO THE DEVELOPMENTALLY DISABLED; AND AMENDING SECTION 67-6706, IDAHO CODE, TO PROVIDE FOR REIMBURSEMENT OF EXPENSES UNIQUE TO COUNCIL MEMBERS.

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

SECTION 1. That Section 67-6704, Idaho Code, be, and the same is hereby amended to read as follows:

67-6704. COMPOSITION. (1) The council shall consist of twenty-one (21) members to be appointed by the governor.

(2) (a) At least ~~one-third (1/3)~~ four (4) of the members shall be persons with a developmental disability, ~~or~~ and at least seven (7) of the members shall be parents or guardians of such persons, and who are not officers or employees of an entity or state agency which receives funds for, or provides services to, developmentally disabled persons.

(3) The principal state agencies concerned with services or programs affecting the developmentally disabled shall be represented as

members of the council. One (1) representative may represent more than one (1) program or service.

(4) The designated state organization providing protection and advocacy services to the developmentally disabled shall be represented.

(5) The remainder of the members may be appointed from the public-at-large and from groups concerned with or dealing with developmental disabilities pursuant to P.L. 98-527 and council by-laws required by section 67-6707(2), Idaho Code.

(~~5~~6) Due regard shall be given to balanced representation from geographical and demographic areas of the state.

SECTION 2. That Section 67-6706, Idaho Code, be, and the same is hereby amended to read as follows:

67-6706. COMPENSATION AND EXPENSES. Members of the council shall serve with no salary or benefits, but are entitled to reimbursement for travel and other expenses as authorized by the Idaho Code. Those members of the council, as set out in section 67-6704(2), Idaho Code, shall also be reimbursed for expenses associated with the respective members' developmentally disabled children's respite care or adult attendant care when necessary for the members to participate in authorized council activities and meetings required under section 67-6707(2), Idaho Code.

Approved March 6, 1986.

CHAPTER 29
(S.B. No. 1327)

AN ACT

RELATING TO INDUSTRIAL DEVELOPMENT BONDS; AMENDING SECTION 50-2708, IDAHO CODE, TO PROVIDE THAT PUBLIC CORPORATIONS MAY EXPEND SURPLUS FEES OR CHARGES COLLECTED FROM USERS OR PROSPECTIVE USERS OF INDUSTRIAL DEVELOPMENT FACILITIES FOR CONSTRUCTION OF PUBLIC FACILITIES AND TO PROVIDE THAT SUCH EXPENDITURES SHALL BE LIMITED TO PROJECTS WHICH ARE WITHIN THE LIMITS AND PURPOSES OF THE MUNICIPAL INDUSTRIAL DEVELOPMENT CHAPTER, AND TO PROVIDE THAT PUBLIC CORPORATIONS MAY EXPEND THESE SURPLUS FEES OR CHARGES TO CONDUCT OR CONTRACT FOR STUDIES TO DETERMINE FEATURES NEEDED BY LOCAL GOVERNMENTS TO FOSTER ECONOMIC DEVELOPMENT.

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

SECTION 1. That Section 50-2708, Idaho Code, be, and the same is hereby amended to read as follows:

50-2708. PUBLIC CORPORATIONS -- POWERS. (1) A public corporation

created under this chapter has the following powers with respect to industrial development facilities together with all powers incidental thereto or necessary for the performance thereof:

(a) To locate, construct and maintain one or more industrial development facilities;

(b) To lease to a lessee all or any part of any industrial development facility for such rentals and upon such terms and conditions, including renewal of the lease or options to purchase, as its board of directors considers advisable and not in conflict with this chapter;

(c) To sell by installment contract or otherwise and convey all or any part of any industrial development facility for such purchase price and upon such terms and conditions as its board of directors considers advisable which are not in conflict with this chapter;

(d) To make loans for the purpose of providing temporary or permanent financing or refinancing of all or part of the project cost of any industrial development facility, including the refunding of any outstanding obligations, mortgages or advances issued, made or given by any person for the project costs; and to charge and collect interest on the loans for the loan payments upon such terms and conditions as its board of directors considers advisable which are not in conflict with this chapter;

(e) To issue revenue bonds for the purpose of financing all or part of the project cost of any industrial development facility and to secure the payment of the revenue bonds as provided in this chapter. Issuance of revenue bonds for facilities pursuant to this chapter shall not preclude the issuance of additional revenue bonds in connection with the same facility. Any subsequent bond issue shall recognize and protect any prior pledge made for any prior issue of revenue bonds.

(f) As security for the payment of the principal of and interest on any revenue bonds, issued, and any agreements made in connection therewith, to mortgage, pledge or otherwise encumber any or all of its industrial development facilities or any part or parts thereof, whether then owned or thereafter acquired, and to assign any mortgage and repledge any security conveyed to the public corporation, to secure any loan made by the public corporation and to pledge the revenues and receipts therefrom;

(g) To sue and be sued, complain and defend in its corporate name;

(h) To make contracts and to execute all instruments necessary or convenient for the carrying out of its business;

(i) To have a corporate seal and to use the same by causing it, or a facsimile thereof, to be impressed or affixed or in any other manner produced;

(j) Subject to the limitations of section 50-2706, Idaho Code, to borrow money, accept grants from, or contract with any local, state or federal governmental agency or with any financial, public or private corporation;

(k) To make and alter bylaws not inconsistent with this chapter

for the administration and regulation of the affairs of the corporation;

(l) To collect fees or charges from users or prospective users of industrial development facilities to recover actual or anticipated administrative costs;

(m) To expend surplus fees or charges collected from users or prospective users of industrial development facilities for construction of public facilities including, but not limited to, sidewalks, landscaping, water and sewer systems, roads, extension of utility services and roads, but such expenditures shall be limited to projects which are within the limits and purposes of this chapter; and to conduct or contract for studies to determine features needed by local governments to foster economic development;

(n) To execute financing documents incidental to the powers enumerated in this section.

(2) No public corporation created under this chapter may operate any industrial development facility as a business other than as lessor, seller or lender. The purchase and holding of mortgages, deeds of trust or other security interests and contracting for any servicing thereof is not considered the operation of an industrial development facility.

(3) No public corporation may exercise any of the powers authorized in this section or issue any revenue bonds with respect to any industrial development facility unless the industrial development facility is located wholly within the boundaries of the municipality under whose auspices the public corporation is created. In cases involving proposed energy or solid waste disposal facilities which may be located partially or wholly outside the boundaries of the creating municipality, no public corporation may issue revenue obligations under this chapter except upon the approval of both the municipality under the auspices of which it was created and planning and zoning approval by the county or city within whose planning jurisdiction the proposed industrial development facility lies.

Approved March 6, 1986.

CHAPTER 30
(H.B. No. 416)

AN ACT

RELATING TO MANUFACTURED HOMES AND MODULAR BUILDINGS; AMENDING SECTION 39-4105, IDAHO CODE, BY SUBSTITUTING THE WORD MODULAR FOR MANUFACTURED AND REDEFINING THE TERM COMMERCIAL COACH; AMENDING SECTION 49-2801, IDAHO CODE, TO PROVIDE DEFINITIONS FOR RECREATIONAL VEHICLES; AMENDING SECTION 63-117, IDAHO CODE, TO PROVIDE THAT A MANUFACTURED HOME MAY BE A HOMESTEAD; AMENDING SECTION 63-307A, IDAHO CODE, TO PROVIDE A DEFINITION OF MANUFACTURED HOMES; AMENDING SEC-

TIONS 63-307B, 63-1203, 63-1302 AND 63-1310, IDAHO CODE, BY SUBSTITUTING THE TERM MANUFACTURED HOME FOR MOBILE HOME; AMENDING SECTION 63-3606, IDAHO CODE, BY SUBSTITUTING THE TERM NEW MANUFACTURED HOME FOR NEW MOBILE HOME AND TO FURTHER DEFINE COMPONENT PARTS; AMENDING SECTION 63-3606A, IDAHO CODE, BY SUBSTITUTING THE TERM MODULAR BUILDING FOR PREFABRICATED BUILDING AND BY FURTHER DEFINING COMPONENT PARTS; AMENDING SECTION 63-3609, IDAHO CODE, TO STRIKE LANGUAGE REFERRING TO THE TAXATION OF PREFABRICATED BUILDINGS AS REAL PROPERTY; AMENDING SECTION 63-3613, IDAHO CODE, BY SUBSTITUTING THE TERMS NEW MANUFACTURED HOME AND MODULAR BUILDING FOR THE TERM NEW MOBILE HOME, INDICATING THAT CHARGES BY A MANUFACTURED HOMES DEALER FOR TRANSPORTATION AND SET UP OF A MANUFACTURED HOME SHALL BE INCLUDED IN THE SALES PRICE OF SUCH MANUFACTURED HOME, AND SUBSTITUTING THE TERMS NEW MANUFACTURED HOME OR MODULAR BUILDING FOR THE TERM NEW MOBILE HOME; AMENDING SECTION 63-3622, IDAHO CODE, AS AMENDED BY CHAPTERS 119, 195 AND 287, LAWS OF 1984, BY SUBSTITUTING THE TERM MANUFACTURED HOME FOR MOBILE HOME; AND AMENDING SECTION 63-3906 AND 63-3910, IDAHO CODE, BY SUBSTITUTING THE TERM MANUFACTURED HOME FOR MOBILE HOME.

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

SECTION 1. 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~~ Modular building" means any building or building component, other than a ~~mobile~~ manufactured 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 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 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 ~~manufactured~~ modular 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~~ designated to be used ~~either as a dwelling unit or other use~~ without a permanent foundation.

(14) "Manufactured home" (formerly mobile home) means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or is 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 temporary living quarters for recreational, travel or camping use, consisting 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 constructed to service actual construction projects and which is completely 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 service, 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 2. That Section 49-2801, Idaho Code, be, and the same is hereby amended to read as follows:

49-2801. DEFINITIONS. The term "recreational vehicle" means a motor home, travel trailer, truck camper or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy~~,--with-a-living-area-less-than-two--hundred--and twenty--(220)--square--feet,--excluding--built-in--equipment--such--as wardrobes,-closets,-cabinets,-kitchen--units--or--fixtures,--bath--and toilet--rooms~~. The term "recreational vehicle" as used in this act shall not include pick-up hoods, shells, or canopies designed, created or modified for occupational usage. School buses or van type vehicles which are converted to recreational use, are defined as recreational vehicles.

~~Motor-homes,-travel-trailers--and--camping--trailers~~ Recreational vehicles as defined herein must be registered as provided by chapter 1, title 49, Idaho Code, before the county assessor can issue a recreational vehicle annual license as provided by this chapter~~. Truck-campers-do-not-need-to-be-registered-before-the-county--assessor can--issue-a-recreational-vehicle-annual-license.~~ , except truck campers which do not require registration under chapter 1, title 49, Idaho

Code. Specific classes of "recreational vehicles" are defined as follows:

(1) The term "motor home" shall mean a vehicular unit designed to provide temporary living quarters, built into an integral part of or permanently attached to a self-propelled motor vehicle chassis. The vehicle must contain permanently installed independent life support systems which meet the American National Standards Institute (ANSI) A119.7 Standard for Recreational Vehicles, and provide at least four (4) of the following facilities: cooking, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, a portable water supply system, including a faucet and sink, separate 110-125 volt electrical power supply and/or LP-gas supply.

(2) The term "travel trailer" shall mean a vehicular unit, mounted on wheels designed to provide temporary living quarters for recreational, camping, travel or emergency use and of such size or weight as not to require special highway movement permits when towed by a motorized vehicle.

(3) The term "fifth wheel trailer" shall mean a vehicular unit equipped in the same manner as a travel trailer but constructed with a raised forward section that allows a bi-level floor plan. This style is designed to be towed by a vehicle equipped with a device known as a fifth-wheel hitch, which is typically installed in the bed of a pickup truck.

(4) The term "park trailer" shall mean a trailer designed to be towed by a motorized vehicle, and of such size and weight as not to require a special highway movement permit. It is designed for seasonal or temporary living quarters and may be connected to utilities necessary for operation of installed fixtures and appliances. It is built on a single permanent chassis and constructed to permit set up by persons without special skills.

(5) The term "fold down camping trailer" shall mean 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 campsite to provide temporary living quarters, for recreational, camping or travel use.

(6) The term "truck camper" shall mean a portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck.

SECTION 3. That Section 63-117, Idaho Code, be, and the same is hereby amended to read as follows:

63-117. DEFINITIONS. As used in sections 63-117 through and including 63-125, Idaho Code:

(a) "Income" means the sum of federal adjusted gross income as defined in the Internal Revenue Code (as defined by section 63-3004, Idaho Code), alimony, support money, income from inheritances, nontaxable strike benefits, the gross amount of any pension or annuity (including railroad retirement benefits, all payments received under the federal social security act, state unemployment insurance laws,

and veterans' disability pensions and compensation), nontaxable interest received from the federal government or any of its instrumentalities or a state government or any of its instrumentalities, workmen's compensation and the gross amount of "loss of earnings" insurance. It does not include capital gains, gifts from nongovernmental sources, inheritances, or medical expenses as defined by section 213(e)(1)(A)(B) of the Internal Revenue Code, incurred by the household. Documentation of medical expenses may be required by the county assessor, board of equalization and state tax commission. "Income" shall be that received in the calendar year immediately preceding the year in which a claim is filed.

(b) "Household" means the association of persons who live in the same dwelling, sharing its furnishings, facilities, and accommodations and expenses. The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(c) "Household income" means all income received by all persons of a household in a calendar year while members of the household.

(d) "Homestead" means the dwelling, owned by the claimant and occupied by the persons of a household as their home, and so much of the land surrounding it, not exceeding one (1) acre, as is reasonably necessary for the use of the dwelling as a home. It may consist of a part of a multi-dwelling or multi-purpose building and part of the land upon which it is built. ("Owned" includes a vendee in possession under a land contract and of one or more tenants in common). It does not include personal property such as furniture, furnishings or appliances, but a ~~mobile~~ manufactured home may be a homestead.

(e) "Claimant" means a person who has filed a claim under the provisions of sections 63-117 through and including 63-125, Idaho Code. To be eligible to file a claim, a person must have been domiciled in this state during the calendar year immediately preceding the year in which his claim was filed, and must have owned a homestead, evidenced by proof of taxes levied, in this state during the calendar year immediately preceding the year in which his claim was filed, and:

(i) must be not less than sixty-five (65) years old on January 1 of the year in which his claim was filed, or

(ii) a fatherless child under the age of eighteen (18) years of age, or

(iii) a widow or widower, or

(iv) a disabled person who is receiving disability benefits pursuant to 42 USCA 423, 45 USCA 228, 45 USCA 231, or 5 USCA 8337, or

(v) a disabled veteran of any war engaged in by the United States, whose disability is recognized as a service connected disability of a degree of ten percent (10%) or more, or who has a pension for nonservice connected disabilities, in accordance with laws and regulations administered by the United States veterans administration, or

(vi) a person as specified in 42 USCA 1701 who was or is entitled to receive benefits because he is known to have been taken by a hostile force as a prisoner, hostage, or otherwise, or

(vii) blind.

SECTION 4. That Section 63-307A, Idaho Code, be, and the same is hereby amended to read as follows:

63-307A. ASSESSMENT OF ~~MOBILE~~ MANUFACTURED HOMES. (a) For purposes of this section "~~mobile~~ manufactured home" is defined as ~~a structure transportable in one or more sections which is eight (8) body feet or more in width and is thirty two (32) body feet or more in length; and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation; and connected to required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein~~ provided in section 39-4105, Idaho Code.

(b) ~~Mobile~~ Manufactured homes shall be assessed in the same manner as other residential housing. The state tax commission shall issue a regulation setting forth the method by which all residential housing will be appraised for ad valorem taxation purposes. The method shall provide uniformity in the assessment of all residential housing. County assessors shall assess the values to compute property taxes as prescribed in this regulation.

(c) All assessments on residential property shall be entered on the county real property rolls in accordance with regulations issued by the tax commission. Owners of ~~mobile~~ manufactured homes shall receive notice of assessed taxes due, make payment thereof, and receive receipt of payment from the county treasurer pursuant to sections 63-1101 through 63-1108, Idaho Code, regardless of what property roll the assessment is entered upon.

(d) Any tax delinquency of a ~~mobile~~ manufactured home owner arising by virtue of section 63-1102, Idaho Code, shall be duly entered and accounted for by the county treasurer on the county property rolls. When the delinquency is properly noted on the rolls, it shall be due and payable upon demand. If a ~~mobile~~ manufactured home owner fails to make timely payment of the first installment provided for, the entire tax shall become due and payable, and penalty and interest, as prescribed by law, shall be added on the amount of the first installment. Interest shall be calculated from January 1st of the following year. If the taxpayer is unable to pay the first installment taxes due, he may appeal to the board of county commissioners for an extension. If sufficient information is given to satisfy the board that the first installment taxes will be paid and that an extension should be granted, the board of county commissioners may grant an extension of time to the taxpayer for payment of the first installment taxes, penalty and interest, not to exceed four (4) months. Otherwise, a warrant of distraint may be issued, served and executed to collect any tax deficiency of a ~~mobile~~ manufactured home owner pursuant to sections 63-1304 through 63-1308, Idaho Code. No extension shall be granted for second installment taxes.

SECTION 5. That Section 63-307B, Idaho Code, be, and the same is hereby amended to read as follows:

63-307B. ~~MOBILE~~ MANUFACTURED HOMES TO CONSTITUTE REAL PROPERTY.

A ~~mobile~~ manufactured home, as defined in section 63-307A(a), Idaho Code, may constitute real property if the running gear is removed and:

(a) If the ~~mobile~~ manufactured home becomes permanently affixed to a foundation on land which is owned or being purchased by the owner or purchaser of said ~~mobile~~ manufactured home; and

(b) If the owner or purchaser of a ~~mobile~~ manufactured home records with the county recorder in the county in which the ~~mobile~~ manufactured home will be situated a nonrevocable option to declare the ~~mobile~~ manufactured home as real property.

(c) The exercise of said option shall require all county assessors to treat those ~~mobile~~ manufactured homes whose owners or purchasers have exercised said option as any other site-built residence and shall permit lending institutions to treat said ~~mobile~~ manufactured homes as real property or as any other residence.

(d) A ~~mobile~~ manufactured home may be considered as real property for taxation and financing purposes only, and not for any other purpose or purposes whatsoever.

SECTION 6. That Section 63-1203, Idaho Code, be, and the same is hereby amended to read as follows:

63-1203. ASSESSMENT OF PERSONAL PROPERTY. The assessor shall assess all personal property required by this act to be entered on the personal property assessment roll, between the first day of January and the first Monday of July in each year, and shall complete the assessment on or before the first Monday in July and file the roll with the clerk of the board of county commissioners. He shall assess and enter on a subsequent roll to be by him verified in the manner provided for the verification of the personal property assessment roll, all personal property which comes into the county, between the first Monday of July and the fourth Monday of November of each year which has not been assessed, and all personal property which has during the year escaped assessment, and shall immediately deliver the subsequent roll to the board of commissioners which shall then meet as a board of equalization as provided in section 63-1904, Idaho Code. Upon adjournment of the board of equalization the county auditor shall, without delay, compute and enter the amount of tax due thereon and deliver the roll to the tax collector and charge him with the amount thereof. In making such assessment, the assessor shall actually determine, as nearly as practicable from the information provided to him by the taxpayer's declaration, the market value for assessment purposes of each piece of personal property assessed and shall enter the market value for assessment purposes of such personal property in appropriate columns, after the name of the owner of such property, if known, otherwise after unknown owner. The tax levies shall be extended on the aggregate market value for assessment purposes of the property, after deducting the amount of any exemptions allowed. The following ~~mobile~~ manufactured homes are specifically exempt from the operation of this section, (a) ~~mobile~~ manufactured homes eligible to be used under a dealer's license plate; (b) ~~mobile~~ manufactured homes designated as sheep camps or cow camps; and (c) ~~trailer--houses~~ units

defined as recreational vehicles.

SECTION 7. That Section 63-1302, Idaho Code, be, and the same is hereby amended to read as follows:

63-1302. TAX PAYABLE ON DEMAND -- DELINQUENCY DATE -- PENALTY. All taxes shown on the personal property assessment roll, the ~~mobile~~ manufactured home assessment roll, and on any subsequent roll, be it personal or ~~mobile~~ manufactured home roll, shall be due and payable to the tax collector on demand and shall become delinquent if not paid on or before December 20 of each year or the day following the demand due date if so specified by the tax collector on the demand tax notice, except that taxes upon equities in state lands and upon leasehold improvements which are defined by law as personal property and which are located upon federal government, state, county, municipal, Indian or other exempt land may be paid in two (2) instalments; the first half shall become delinquent if not paid on or before December 20 and the second half shall become delinquent if not paid on or before June 20, together with a penalty of two per cent (2%) of the amount of the delinquent instalment, plus interest at the rate of one per cent (1%) per month dating back to January 1. In the event the taxpayer is unable to pay his personal property tax or ~~mobile~~ manufactured home tax, due on or before December 20, he may appeal to the board of county commissioners. If sufficient information is given to satisfy the board that the taxes will be paid, and that an extension should be granted, the board of county commissioners may grant an extension of time to the taxpayer for the payment of the taxes, penalty and interest, not exceeding four (4) months. A warrant of distraint shall not be issued until expiration of the extended time.

SECTION 8. That Section 63-1310, Idaho Code, be, and the same is hereby amended to read as follows:

63-1310. REMOVAL OF PROPERTY FROM COUNTY TO AVOID TAX -- PENALTY. It shall be unlawful for any person, firm or corporation to move from the county or sell any personal property or ~~mobile~~ manufactured home with the intent of avoiding the payment of the current year's property taxes or without paying the taxes as provided for in section 63-1303 or 63-307A, Idaho Code. Any person, firm or corporation violating any of the provisions of these sections shall be guilty of a misdemeanor, and upon conviction the person, firm or corporation shall, in addition to any penalty which the court may impose, pay to the tax collector a sum not in excess of double the amount of tax which was collectible on the property removed or sold, together with all costs and penalties provided for in this act. The excess sum shall be collected by the tax collector in the same manner as the original tax.

SECTION 9. That Section 63-3606, Idaho Code, be, and the same is hereby amended to read as follows:

63-3606. NEW ~~MOBILE~~ MANUFACTURED HOME. The term "new ~~mobile~~

manufactured home" means a ~~mobile~~ manufactured home, as defined in section 39-4105, Idaho Code, which is sold for the first time at retail. The term "new ~~mobile~~ manufactured home" includes all components incorporated in such ~~mobile~~ manufactured home at the time of manufacture and remaining unchanged at the time of the original retail sale thereof.

Furniture, fixtures, furnishings, appliances and attachments not incorporated as component parts of the ~~mobile~~ manufactured home at the time of manufacture shall be subject to the sales and use tax separately and distinctly from the sales price of a new ~~mobile~~ manufactured home. Refrigerators, ranges, draperies, and wood burning stoves placed in the manufactured home by the manufacturer shall be deemed to be components incorporated into such manufactured home.

SECTION 10. That Section 63-3606A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3606A. ~~PREFABRICATED~~ MODULAR BUILDING. The term "~~prefabricated~~ modular building" means a modular building, as defined in section 39-4105, Idaho Code, which is a substantially complete, ~~fully assembled~~ building ~~containing--a--ground-floor-area-of-not-less-than four-hundred-(400)-square-feet~~ designed to be permanently affixed to real property. ~~Fixtures,--appliances--and--attachments--shall-not-be included-in-the-term-"prefabricated-building"--unless--such--fixtures, appliances-and-attachments-are-actually-incorporated-in-and-so-mechanically--fitted--as-to-become-a-part-of-such-building-and-not-separable therefrom-without-material-injury-to-such--building.--In--no--instance shall--the--term--"prefabricated--building"--be-construed-to-mean-"new mobile-home"-as-defined-in-the-Idaho-sales-tax-act--nor--shall--it--be construed--to-include-used-mobile-homes.~~ The term "modular building," includes all components incorporated in such modular building at the time of manufacture and remaining unchanged at the time of the original retail sale. Furniture, fixtures, furnishings, appliances, and attachments not incorporated as component parts of the modular building at the time of manufacture shall be subject to the sales and use tax separately and distinctly from the sales price of a modular building. Refrigerators, ranges, draperies, and wood burning stoves placed in the modular home by the manufacturer shall be deemed to be components incorporated into such modular building.

SECTION 11. That Section 63-3609, Idaho Code, be, and the same is hereby amended to read as follows:

63-3609. RETAIL SALE -- SALE AT RETAIL. The terms "retail sale" or "sale at retail" means a sale of tangible personal property for any purpose other than resale of that property in the regular course of business or lease or rental of that property in the regular course of business where such rental or lease is taxable under section 63-3612(h), Idaho Code.

(a) All persons engaged in constructing, altering, repairing or improving real estate, ~~which-includes--construction--of--prefabricated~~

~~buildings as defined in section 63-3606A, Idaho Code,~~ are consumers of the material used by them; all sales to or use by such persons of tangible personal property are taxable whether or not such persons intend resale of the improved property.

(b) The delivery in this state of tangible personal property by an owner or former owner thereof or by a factor, or agent of such owner, former owner or factor, if the delivery is to a consumer or person for redelivery to a consumer, pursuant to a retail sale made by a retailer not engaged in business in this state, is a retail sale in this state by the person making the delivery. He shall include the retail selling price of the property in his total sales subject to tax under this act.

(c) ~~For the purposes of the sales tax act as enacted, the sale or purchase of a prefabricated building is deemed a sale or purchase of real property and not a sale or purchase of tangible personal property.~~

~~(d)~~ For the purpose of this chapter, the sale or purchase of personal property incidental to the sale of real property or used mobile homes is deemed a sale of real property.

SECTION 12. 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 discounts 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~~ manufactured home" or a "modular build-

ing" 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; except that charges by a manufactured homes dealer for set up of a manufactured home shall be included in the "sales price" of such manufactured home.

5. The amount of any tax (not including, however, any manufacturers' or importers' excise tax) imposed by the United States upon or with respect to retail sales whether imposed upon the retailer or the consumer.

6. The amount charged for finance charges, carrying charges, service charges, time-price differential, or interest on deferred payment sales, provided such charges are not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

7. Charges for transportation of tangible personal property after sale; except that charges by a manufactured homes dealer for transportation of a manufactured home shall be included in the "sales price" of such manufactured home.

(c) The sales price of a "new ~~mobile~~ manufactured home" or a "modular building" as defined in this act shall be limited to and include only fifty-five per cent (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 eleven cents ($.11) but less than seventy-six cents ($.76) through a vending machine shall be deemed to have sold at a sales price equal to one hundred seventeen per cent (117%) of the price which is paid for such tangible personal property and/or its component parts including packaging by the owner or operator of the vending machines.

SECTION 13. That Section 63-3622, Idaho Code, as amended by Chapters 119, 195 and 287, Laws of 1984, be, and the same is hereby amended to read as follows:

63-3622. EXEMPTIONS. There are exempted from the taxes imposed by this act the following:

(a) The sale at retail, storage, use, or other consumption of tangible personal property which this state is prohibited from taxing under the Constitution of the United States.

(b) The sale of tangible personal property to resident contractors for subsequent incorporation into real property outside this state in the performance of a contract to improve the out-of-state realty unless this provision would result in subjection of said contractor to a use or similar excise tax in another state.

(c) Purchases which are subject to the motor fuels tax imposed by chapter 24, title 63, Idaho Code.

(d) Receipts from the sale, storage, use or other consumption in this state of tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for ultimate sale at retail within or without this state, and tangible personal property primarily and directly used or consumed in or during such manufacturing, processing, mining, farming, or fabricating operations by a business or segment of a business which is primarily devoted to such operation or operations, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change or for removing impurities or otherwise placing a product in a more marketable condition are included within this exemption, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operations such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operations such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles licensed or required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put; nor shall this exemption include tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from this act by subsections (h), (k), (l) and (p) of this section.

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

such motor vehicles are put.

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

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

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

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

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

(h) The sale or purchase of gas, electricity, and water when delivered to consumers.

(i) The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

(j) The sale or purchase of tangible personal property at home yard sales; provided, however, that no more than two (2) such home yard sales per individual per calendar year shall be exempt.

(k) The sale or purchase of tangible personal property used for the performance of a written contract entered into prior to the passage and approval of this act, but such exemption shall extend only until July 1, 1967.

(l) The sale or purchase, or the storage, use or other consumption of religious literature, pamphlets, periodicals, tracts and books published and sold by a bona fide church or religious denomination, no part of the net earnings of which inures to the benefit of any private individual or shareholder.

(m) The sale of meals by public or private schools under the federal school lunch program or under programs that provide nutritional meals for the aging (Title VII of the Older Americans Act, PL93-29), and the sale of meals by a church to its members at a church function.

(n) Occasional sales of tangible personal property, including sales of animals by any 4-H Club or FFA Club held in conjunction with a fair or the western Idaho spring lamb sale; providing, however, that this exemption shall not apply to the sale, purchase, or use of self-propelled motor vehicles unless they are transferred in a transaction falling within the scope of section 63-3612A(b), Idaho Code, a change in the form of doing business, or section 63-3612A(c), Idaho Code, the sale of a going business, or section 63-3612A(f), Idaho Code, the sale of motor vehicles between family members.

(o) The sale of articles through a coin-operated vending machine for a total consideration of eleven cents ($.11) or less and individual transactions involving a total sales price of eleven cents ($.11) or less.

(p) Sales of liquor by the state liquor dispensary to a person

licensed under the provisions of chapter 9, title 23, Idaho Code.

(q) Sales of prescription drugs and the sale of oxygen, all upon the prescription of a practitioner licensed to prescribe drugs to human beings in the course of his professional practice, the sale of artificial limbs, prescription braces, wheelchairs, hearing aids, crutches and other prosthetic devices except eyeglasses and dental bridgework.

(r) Sales to the Boy Scouts of America of supplies and materials for national and international encampments within the state of Idaho and sales by the Boy Scouts of America to participants in national and international encampments within the state of Idaho if such sales are made within the confines of Farragut State Park.

(s) Sales to and purchases by hospitals, health-related entities, educational institutions, forest protective associations and canal companies which are nonprofit organizations. As used in this subsection, these words shall have the following meanings:

1. Educational institution shall mean resident nonprofit colleges, universities, primary and secondary schools the income of which is devoted solely to education and in which systematic instruction in the usual branches of learning is given. This definition does not include schools primarily teaching business, dancing, dramatics, music, cosmetology, writing, gymnastics, exercise and other special accomplishments nor parent-teacher associations, parent groups, alumni or other auxiliary organizations with purposes related to the educational function of an institution or collective group of institutions.

2. Hospital as used herein shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions or organizations.

3. Health-related entities as used herein shall mean the Idaho Cystic Fibrosis Foundation, March of Dimes, American Cancer Society, Mental Health Association, Idaho Association of Retarded Citizens, Idaho Heart Association, United Cerebral Palsy, Arthritis Foundation, Muscular Dystrophy Foundation, National Multiple Sclerosis Society, Rocky Mountain Kidney Association, American Diabetes Association, and Easter Seals, together with said entities' local or regional chapters or divisions.

4. Canal companies as used herein shall include nonprofit corporations which are incorporated solely for the purpose of operating and maintaining and are engaged solely in operation and maintenance of dams, reservoirs, canals, lateral and drainage ditches, pumps or pumping plants.

5. Forest protective associations as used herein shall mean associations whose purpose is the furnishing, operating and maintaining of a protective system for the detection, prevention and suppression of forest or range fires. Forest protective associations shall include only those associations with which the state of Idaho has contracted or become a member of pursuant to chapter 1, title 38, Idaho Code.

(t) The sale or purchase of tangible personal property shipped by the seller via the purchasing carrier under a bill of lading whether

the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state if the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(u) The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

(v) Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when (1) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state and (2) said motor vehicles and trailers will be titled and licensed immediately under the laws of another state, will not be used in this state more than twenty-five percent (25%) of the mileage in any calendar year, and will not be required to be titled under the laws of this state; the sale of motor vehicles and motor equipment not required to be licensed and used as log jammers, log loaders, farm tractors and implements of husbandry; and the sale of used ~~mobile~~ manufactured homes, whether or not such used ~~mobile~~ manufactured homes are sold for use outside this state, and whether or not such used ~~mobile~~ manufactured homes are sold by a dealer. Every ~~mobile~~ manufactured home sale after its sale as a "new ~~mobile~~ manufactured home," as defined in section 63-3606, Idaho Code, is a sale as a used ~~mobile~~ manufactured home.

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

(x) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production of publications in a newspaper format which are distributed to the public at large and which rely on advertising revenue as their primary source of income; provided, that the purchase, storage, use or other consumption is by a business or segment of a busi-

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

Provided, further, that this exemption shall apply when the publication referred to herein is distributed to the public free of charge.

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

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

(z) The sale of precious metal bullion or the sale of monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but shall not include coins or money sold to be manufactured into jewelry or works of art.

(aa) The sale of tangible personal property occurring within the boundaries of an Indian reservation located in Idaho when the business or enterprise selling the tangible personal property is wholly owned and operated by a federally recognized Indian tribe.

(bb) To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by this act and the retailer shall have the burden of establishing the facts giving rise to such exemption by clear and convincing evidence unless the purchaser delivers to the retailer an exemption certificate in such form as the tax commission may prescribe, signed by the purchaser and setting forth the reason for the claimed exemption.

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

SECTION 14. 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 ~~mobile~~ manufactured homes or real property tax, whichever is applicable.

SECTION 15. 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~~ manufactured homes or real property tax, whichever is applicable.

Approved March 10, 1986.

CHAPTER 31
(S.B. No. 1244)

AN ACT

RELATING TO GENERAL POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-107, IDAHO CODE, TO PROVIDE FOR A REGISTER OF COURSES OFFERED FOR ACADEMIC CREDIT IN IDAHO BY IN-STATE NONACCREDITED INSTITUTIONS AND OUT-OF-STATE INSTITUTIONS.

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

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

33-107. GENERAL POWERS AND DUTIES OF THE STATE BOARD. The state board shall have power to:

(1) perform all duties prescribed for it by the school laws of the state;

(2) acquire, hold and dispose of title, rights and interests in real and personal property;

(3) have general supervision, through its executive departments and offices, of all entities of public education supported in whole or

in part by state funds;

(4) delegate to its executive secretary, to its executive officer, or to such other administrators as the board may appoint, such powers as said officers require to carry out the policies, orders and directives of the board;

(5) through its executive departments and offices;

(a) enforce the school laws of the state,

(b) study the educational conditions and needs of the state and recommend to the legislature needed changes in existing laws or additional legislation;

(6) in addition to the powers conferred by chapter 24, title 33, Idaho Code;

(a) maintain a register of courses and programs offered anywhere in the state of Idaho by postsecondary institutions ~~outside of the state of Idaho and not under control of the state board of education~~ which are: (1) located outside the state of Idaho and are offering courses or programs for academic credit or otherwise; or (2) located within the state of Idaho but not accredited by a regional or national accrediting agency recognized by the board and are offering courses or programs for academic credit; 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, and based on the evaluation, each course or program shall be registered as comparable or not comparable. The acceptance of academic credit is the prerogative of the state board of education; however, academic credit for courses evaluated as not comparable shall not be accepted by Idaho postsecondary institutions under the direction and control of the state board,

(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, including, but not limited to, injunctive relief.

(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.

Approved March 11, 1986.

CHAPTER 32
(S.B. No. 1245)

AN ACT
RELATING TO WAIVING TUITION FOR CERTAIN NONRESIDENT STUDENTS; AMENDING SECTION 33-3717A, IDAHO CODE, TO ELIMINATE THE UNDERGRADUATE REQUIREMENT FOR RECIPROCITY AGREEMENTS WITH OTHER STATES.

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

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

33-3717A. WAIVING TUITION FOR CERTAIN NONRESIDENT STUDENTS. (1) Notwithstanding any other provision of law the state board of education and the board of regents of the university of Idaho may determine when to grant a full or partial waiver of tuition charged to nonresident ~~undergraduate~~ students pursuant to reciprocal agreements with other states. In making this determination, the state board of education and the board of regents of the university of Idaho shall consider the potential of the waiver to:

(a) Enhance educational opportunities for Idaho residents;

(b) Promote mutually beneficial cooperation and development of Idaho communities and nearby communities in neighboring states;

(c) Contribute to the quality of educational programs; and

(d) Assist in maintaining the cost effectiveness of auxiliary operations in Idaho institutions of higher education.

(2) Consistent with the determinations made pursuant to subsection (1) hereof, the state board of education and the board of regents of the university of Idaho may enter into agreements with other states to provide for a full or partial reciprocal waiver of tuition charged to ~~undergraduate~~ students. Each agreement shall provide for the numbers and identifying criteria of ~~undergraduate~~ students, and shall specify the institutions of higher education that will b~~y~~e affected by the agreement.

(3) The state board of education and the board of regents of the university of Idaho shall establish policy guidelines for the administration by the affected Idaho institutions of any tuition waivers authorized under this section, for evaluating applicants for such waivers, and for reporting the results of the reciprocal waiver programs authorized in this section.

(4) A report and financial analysis of any waivers of tuition authorized under this section shall be submitted annually to the legislature as part of the budget recommendations of the state board of education and the board of regents of the university of Idaho for the system of higher education in this state.

Approved March 11, 1986.

CHAPTER 33
(S.B. No. 1353)

AN ACT

RELATING TO TAX ANTICIPATION NOTES OF TAXING DISTRICTS; AMENDING SECTION 63-3102, IDAHO CODE, TO PROVIDE THAT TAXING DISTRICTS MAY ISSUE TAX ANTICIPATION NOTES ON ANTICIPATED DISTRIBUTIONS OF STATE APPROPRIATED REVENUES, AND TO PROVIDE THAT SCHOOL DISTRICTS MAY ISSUE TAX ANTICIPATION NOTES IN ANTICIPATION OF DISTRIBUTIONS FROM THE PUBLIC SCHOOL INCOME FUND; AMENDING SECTION 63-3104, IDAHO CODE, TO REQUIRE THE CREATION OF A FUND TO RECEIVE MONEYS TO PAY TAX ANTICIPATION NOTES WHEN DUE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 63-3102, Idaho Code, be, and the same is hereby amended to read as follows:

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

district shall not be included in the amount of taxes against which such tax anticipation bonds or notes are authorized to be issued. Such tax anticipation bonds or notes shall be negotiable instruments, and the full faith, credit and resources of the taxing district shall be pledged for the payment of the same. Such bonds or notes shall be issued in such form and detail as shall be determined by the governing authority of the taxing district by resolution duly adopted.

SECTION 2. That Section 63-3104, Idaho Code, be, and the same is hereby amended to read as follows:

63-3104. CREATION OF FUND TO PAY BONDS OR NOTES AT MATURITY -- PAYMENT OF BONDS OR NOTES. To provide for the payment of said tax anticipation bonds or notes at maturity, there shall be created by the resolution providing for the issuance of said tax anticipation bonds or notes a special fund to be known as the "Tax Anticipation Bond or Note Redemption Fund." Whenever any tax anticipation bonds or notes have been issued in anticipation of the collection of taxes, or of state appropriated funds, all such ~~taxes~~ moneys thereafter collected or received, the collection of which has been so anticipated, shall be placed in the "Tax Anticipation Bond or Note Redemption Fund" until such time as the funds accumulated therein shall be sufficient to pay all such tax anticipation bonds or notes outstanding, together with interest thereon at maturity, and the funds so accumulated in the "Tax Anticipation Bond or Note Redemption Fund" are hereby appropriated and set apart for such purpose only, and shall be used for no other purpose; provided, however, that nothing in this section shall be construed to limit the payment of the principal of and interest on said tax anticipation bonds or notes solely to the taxes, in anticipation of which said bonds or notes were issued, but such bonds or notes shall be the direct and general obligation of the taxing district.

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

Approved March 11, 1986.

CHAPTER 34
(S.B. No. 1364)

AN ACT

RELATING TO TUITION AT STATE COLLEGES AND UNIVERSITIES; AMENDING SECTION 33-3717, IDAHO CODE, TO DEFINE TUITION AND TO PROVIDE THAT CERTAIN COSTS SHALL NOT BE CONSIDERED INSTRUCTIONAL COSTS.

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

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

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

(a) Tuition shall be defined as the cost of instruction at the colleges and universities. The cost of instruction shall not include those costs associated with said colleges and universities, such as maintenance and operation of physical plant, student services and institutional support, which are complementary to, but not a part of the instructional program.

(b) Matriculation fees shall be defined as the fee charged to students for educational costs excluding the cost of instruction. The state board of education and board of regents for the University of Idaho may prescribe matriculation fees for resident students.

(c) Terms used in this subsection shall be defined as they are defined in the Idaho College and Universities Statewide Cost Study: General Education Funds (Final Costs Analysis).

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

(a) Any student whose parents or court-appointed guardians are domiciled in the state of Idaho 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 domicile elsewhere. To qualify under this section the parents or guardian must be residing in the state on the opening day of the term for which the student matriculates.

(b) Any student, who receives less than fifty percent (50%) of his support from parents or legal guardians who are not residents of this state for voting purposes and who has continuously resided in the state of Idaho for twelve (12) months next preceding the opening day of the period of instruction during which he proposes to attend the college or university.

(c) Any student who is a graduate of an accredited secondary school in the state of Idaho, and who matriculates at a college or university in the state of Idaho during the term immediately following such graduation regardless of the residence of his parent or guardian.

(d) The spouse of a person who is classified, or is eligible for classification, as a resident of the state of Idaho for the pur-

poses of attending a college or university.

(e) A member of the armed forces of the United States, stationed in the state of Idaho on military orders.

(f) A student whose parent or guardian is a member of the armed forces and stationed in the state of Idaho on military orders and who receives fifty percent (50%) or more of support from parents or legal guardians. The student, while in continuous attendance, shall not lose his residence when his parent or guardian is transferred on military orders.

(g) A person separated, under honorable conditions, from the United States armed forces after at least two (2) years of service, who at the time of separation designates the state of Idaho as his intended domicile or who has Idaho as the home of record in service and enters a college or university in the state of Idaho within one (1) year of the date of separation.

(h) Any individual who has been domiciled in the state of Idaho, has qualified and would otherwise be qualified under the provisions of this statute and who is away from the state for a period of less than one (1) calendar year and has not established legal residence elsewhere provided a twelve (12) month period of continuous residence has been established immediately prior to departure.

(3) The state board of education and board of regents of the University of Idaho shall adopt uniform and standard rules and regulations applicable to all state colleges and universities now or hereafter established to determine residence status of any student and to establish procedures for review of that status.

(4) Appeal from a final determination denying resident status may be initiated by the filing of an action in the district court of the county in which the affected college or university is located; an appeal from the district court shall lie as in all civil actions.

(5) Nothing contained herein shall prevent the state board of education and board of regents of the University of Idaho from waiving tuition to be paid by nonresident students.

(6) Nothing contained in this act shall apply to junior colleges now or hereafter established, or to post-secondary vocational-technical schools now or hereafter established not connected to or a part of a state college or university.

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

(8) For students who apply for special graduate and professional programs including, but not limited to the WAMI (Washington, Alaska, Montana, Idaho) Regional Medical Program, the WICHE Student Exchange Programs, Creighton University School of Dental Science, the University of Utah College of Medicine, and the Washington, Oregon, Idaho (WOI) Regional Program in Veterinary Medical Education, additional residency requirements shall be in force. No applicant shall be certified or otherwise designated as a beneficiary of such special program

who has not been a resident of the state of Idaho for at least five (5) calendar years previous to the application date; provided that the state board of education and board of regents of the University of Idaho may grant exceptions to the residency requirement under conditions specified by the board.

Approved March 12, 1986.

CHAPTER 35
(S.B. No. 1218)

AN ACT

RELATING TO DENTISTRY; AMENDING SECTION 54-903, IDAHO CODE, TO DEFINE DENTAL SPECIALIST; AMENDING SECTION 54-908, IDAHO CODE, TO PROVIDE A CHANGE IN TERMINOLOGY; AMENDING SECTION 54-912, IDAHO CODE, TO PROVIDE FOR THE INCLUSION OF A DENTAL SPECIALTY; AMENDING SECTION 54-916, IDAHO CODE, TO PROVIDE FOR APPLICATION FOR EXAMINATION AS A DENTAL SPECIALIST AND TO PROVIDE A FEE FOR SPECIALISTS; AMENDING SECTION 54-918, IDAHO CODE, TO PROVIDE CERTIFICATES OF QUALIFICATION AS A DENTAL SPECIALIST; AMENDING SECTION 54-920, IDAHO CODE, TO PROVIDE FOR CERTAIN ANNUAL LICENSE FEES; AMENDING SECTION 54-923, IDAHO CODE, TO INCLUDE A DENTAL SPECIALTY; AND AMENDING SECTION 54-924, IDAHO CODE, TO INCLUDE DENTAL SPECIALTIES AND CERTAIN PRACTICES.

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

SECTION 1. That Section 54-903, Idaho Code, be, and the same is hereby amended to read as follows:

54-903. DEFINITIONS. As used in this chapter:

(a) A dentist is a person both qualified and annually licensed by the laws of Idaho to practice dentistry.

(b) A dental hygienist is a person both qualified and annually licensed by the laws of Idaho to practice dental hygiene.

(c) "Board~~,~~" ~~as used in this act, shall~~ means the state board of dentistry ~~created by section 54-907, Idaho Code~~.

(d) "Association~~,~~"~~--as--used--in--this act, shall~~ means the Idaho state dental association.

(e) The word "person," the word "he," and the word "his~~,~~" ~~wherever--used--in--this--act,~~ shall be taken to include both male and female persons unless a contrary intention is made manifest, provided that none of these words shall be taken to mean any other than a natural person.

(f) A dental assistant is a person who need not be licensed under this chapter, but who is regularly employed by a dentist at his office, who works under ~~such~~ the dentist's direct supervision and is adequately trained and qualified according to standards ~~to be~~ estab-

lished by the board to perform the dental services permitted to be performed by ~~such~~ assistants by this chapter and applicable rules and regulations of the board.

(g) "Direct supervision" means supervision of a dental auxiliary~~;~~, requiring that a dentist diagnose the condition to be treated, a dentist authorize the procedure to be performed, a dentist remain in the dental office while the procedures are performed, and that before dismissal of the patient, a dentist approves the work performed by the auxiliary.

(h) "Indirect supervision" means supervision of a dental auxiliary~~;~~, requiring that a dentist authorize procedures and that a dentist be in the dental office while the procedures are performed by the auxiliary.

(i) "General supervision" means supervision of a dental auxiliary~~;~~, requiring that a dentist authorize the procedures which are being carried out, but not requiring that a dentist be present when the authorized procedures are being performed. The issuance of a written work authorization to a commercial dental laboratory by a dentist does not constitute general supervision.

(j) "Dental specialist" means a dentist who limits his practice to a specialty defined by the American Dental Association, who possesses a general license for the practice of dentistry either in Idaho or another state, who has graduated from an American Dental Association approved post-graduate program in their specialty and is a person both qualified and annually licensed by the laws of Idaho to practice a dental specialty.

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~~ that fact in writing and the association shall, within sixty (60) days thereafter, nominate three (3) persons licensed to practice dentistry to fill ~~such~~ the vacancy and shall ~~forthwith~~ forward the nominations to the governor, who shall ~~thereupon~~ appoint from among ~~such~~ the nominees, ~~the~~ a person to be a member of the board to fill ~~such~~ the vacancy. The ~~said~~ nominees shall be selected in ~~such~~ a manner as shall be determined by the rules and regulations of the association~~;-provided;-that-for.~~ For the purposes of ~~such~~ nominations and appointments, the state shall be divided by the association into four (4) ~~districts~~ components and nominations and appointments to the board shall be made in such a manner that each ~~district~~ component shall be represented on the board by one (1) dentist member ~~provided;-however;-that-the.~~ The fifth dentist member of the board shall be a member at large who may reside in any of the four (4) ~~districts~~ components. 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~~ the vacancy, ~~provided that if.~~ If the vacancy ~~be~~ is in the term of a member from one of the four (4) ~~districts~~ components, the appointee shall reside within ~~said district~~ the component.

(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~~ that fact in writing and the association shall within sixty (60) days thereafter, nominate three (3) persons licensed to practice dental hygiene to fill ~~such~~ the 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 54-912, Idaho Code, be, and the same is hereby amended to read as follows:

54-912. BOARD OF DENTISTRY -- POWERS AND DUTIES. The board shall have the following powers and duties:

(a) To ascertain the qualifications and fitness of applicants to practice dentistry, a dental specialty or dental hygiene; to prepare, conduct and grade qualifying examinations; to issue in the name of the board a certificate of qualification to applicants found to be fit and qualified to practice dentistry or dental hygiene.

(b) To prescribe rules and regulations for a fair and wholly impartial method of examination of applicants to practice dentistry, a dental specialty or dental hygiene.

(c) In event a dental school be established within the state of Idaho, or dental hygiene be taught at any school, college, institution, university or department thereof within the state of Idaho, to prescribe courses of study for and instruction in dentistry and dental hygiene, the period of study, the instructional facilities, faculty and instructor requirements, and to establish standards of preliminary education requisite to admission to ~~such~~ the school, college, university or department thereof and to require satisfactory proof of the requirement of ~~such~~ those standards.

(d) To define what shall constitute accepted and approved schools, colleges, institutions, universities or departments thereof for the teaching of dentistry or dental hygiene and to determine, accept and approve ~~such thereof as~~ those that comply therewith.

(e) To promulgate ~~such~~ other rules and regulations required by ~~this act~~ law or necessary or desirable for its enforcement and administration; to define by regulation the terms unprofessional or flagrant immoral conduct or practices injurious to the public as ~~such~~ the

terms are used in section 54-924, Idaho Code, and to establish by regulation minimum standards of cleanliness and sanitation; to prescribe and furnish applications, certificates, licenses and other necessary forms.

(f) To inspect or cause to be inspected the offices or operating rooms of all persons licensed under this ~~act~~ chapter.

(g) Upon its own motion or upon any complaint, to initiate and conduct investigations on all matters relating to the practice of dentistry or dental hygiene and to conduct hearings or proceedings to revoke or suspend certificates of qualification or licenses of persons practicing dentistry or dental hygiene and to revoke or suspend such licenses, provided such hearings and proceedings shall be had in conformance with the provisions of chapter 52, title 67, Idaho Code, and in lieu of revocation or suspension of licenses, to enter into and establish and enforce consent orders as authorized by section 67-5209(d), Idaho Code, which orders may include probationary terms. Final decisions of the board shall be reviewable and appealable as provided in chapter 52, title 67, Idaho Code.

(h) The board shall have power to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and shall have power throughout the state of Idaho to require the attendance of ~~such~~ witnesses and the production of ~~such~~ books, records and papers as it may desire at any hearing before it of any matter which it has authority to investigate, and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers, directed to the sheriff of any county of the state of Idaho, where ~~such~~ the witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in criminal cases and shall be paid from the state board of dentistry fund in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which ~~such~~ the disobedience, neglect or refusal occurs, upon application by the board to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from ~~such~~ the court or for refusal to testify ~~therein~~. The licensed person accused in ~~such~~ the proceedings shall have the same right of subpoena upon making application to the board ~~therefor~~.

(i) The board shall establish an office at Boise and may appoint an executive secretary who need not be a member of the board or a person licensed to practice dentistry or dental hygiene, and may employ ~~such~~ other personnel as may be necessary to assist the board. The board shall prescribe the duties of ~~such~~ the executive secretary and these duties shall include the preparation of all papers and records under ~~this--act~~ law for the board, and shall include ~~such~~ enforcement activities as to the board may from time to time appear

advisable, and ~~such~~ the executive secretary shall act for and on behalf of the board in such manner as the board may authorize, keep records, property and equipment of the board and discharge ~~such~~ other duties as the board may from time to time prescribe. The compensation of ~~such~~ the executive secretary or other personnel shall be determined by the board and the executive secretary shall be bonded to the state in the time, form and manner prescribed in chapter 8, title 59, Idaho Code.

(j) To report ~~each--year~~ annually to the associations~~,--at-its annual-meeting,~~ on the status of the state board of dentistry ~~fund~~ account and furnish the associations a written report on all receipts and expenditures during the preceding year.

(k) The board may, by written agreement, authorize the bureau of occupational licenses as agent to act in its interest.

SECTION 4. That Section 54-916, Idaho Code, be, and the same is hereby amended to read as follows:

54-916. APPLICATION FOR EXAMINATION -- FEE. Any person desiring to practice dentistry, a dental specialty or dental hygiene within the state of Idaho shall, in his own handwriting and under oath, make ~~out~~ an application for examination in dentistry, a dental specialty or dental hygiene, as the case may be, on forms furnished by the board, which forms shall call for ~~such~~ information from the applicant as shall show his full, true name and that he possesses all the qualifications required by ~~this-act~~ law for the examination applied for. The application and ~~such~~ supporting instruments as shall be required, together with payment of an application fee of not less than seventy-five dollars ($75.00), nor more than one hundred fifty dollars ($150) for dentists ~~such~~, the fee to be set by the rules and regulations of the board and not less than twenty-five dollars ($25.00), nor more than seventy-five dollars ($75.00) for dental hygienists, ~~such~~ the fee to be set by the rules and regulations of the board, and not less than one hundred dollars ($100) nor more than three hundred dollars ($300) for dental specialists, the fee to be set by the rules and regulations of the board, shall be filed with the board at a sufficient time, to be fixed by regulations, before an examination to permit the board to investigate into the moral character and reputation of the applicant and his possession of the other qualifications for examination. The fee shall not be refunded.

SECTION 5. That Section 54-918, Idaho Code, be, and the same is hereby amended to read as follows:

54-918. EXAMINATIONS -- CERTIFICATE OF QUALIFICATION. At least once in each calendar year at times and places fixed by the board, the board or its agent shall conduct separate examinations in general dentistry and in dental hygiene. Examinations shall be written or clinical, or both, and of such duration and character, and upon such subjects in dentistry and dental hygiene as the board shall determine will thoroughly test the fitness and ability of the applicant to prac-

tice dentistry or dental hygiene, as the case may be. In addition, the board will conduct examinations to assess the fitness of candidates for the licensure as a dental specialist as the request for specialty licensure arises. The board or its agent will grade ~~such~~ the examinations, and its grades shall be final and not subject to review. It shall report and record the names of applicants who pass and of those who fail the examination. Upon the candidates request, t~~T~~he board will issue to each passing applicant in dentistry, who is qualified for Idaho licensure, a certificate of qualification to practice dentistry, and to each passing applicant in dental hygiene, who is qualified for Idaho licensure, a certificate of qualification to practice dental hygiene~~,~~ within the state of Idaho, and to each passing applicant in a dental specialty, who is qualified for Idaho licensure, a certificate of qualification to practice a dental specialty within the state of Idaho.

Prior to an examination, or by general regulation, the board shall determine the relative weight of the written and of the clinical examination, the passing grade, not exceeding ~~70~~ seventy per cent (70%), for each subject, section, or part of the examination and the general average passing grade, not exceeding ~~75~~ seventy-five per cent (75%). The board may recognize a certificate granted by the national board of dentistry in lieu of such examination or subject to additional examination as the board may require.

Applicants who fail the examination shall be notified thereof in writing by the board or its agent, which shall also record the fact of failure and the date and means of notification.

Written questions and answers of applicants shall not be deemed public records, nor subject to inspection, and shall be destroyed by the board after the period of one (1) year following the examination.

SECTION 6. That Section 54-920, Idaho Code, be, and the same is hereby amended to read as follows:

54-920. ANNUAL LICENSES -- FEES -- CLASSIFICATIONS OF LICENSES -- RIGHTS OF LICENSEES. (1) Each person who meets all other requirements to practice dentistry shall pay an annual license fee to the board on or before October 1 of each year. Each person who meets all other requirements to practice dental hygiene shall pay an annual license fee to the board on or before April 1 of each year. Each applicant for licensure must submit to the board in writing a request for the applicable status of license. A person requesting active status license must state that he intends to fulfill the requirements for that status.

The annual license fee shall be fixed by the board, but shall not exceed:

(a) One hundred dollars ($100) for a dentist with an active status;

(b) Fifty dollars ($50.00) for a dentist with an inactive status;

(c) Fifty dollars ($50.00) for a hygienist with an active status;

(d) Twenty-five dollars ($25.00) for a hygienist with an inactive status;

(e) One hundred ~~Fifty~~ dollars ($5100~~.00~~) for a dentist or a hygienist with a specialist status;

(f) Ten dollars ($10.00) for a dentist or dental hygienist with a retirement status.

The license year for dentists shall be October 1 of the current year to September 30 of the following year.

The license year for dental hygienists shall be April 1 of the current year to March 31 of the following year.

The license fee may be prorated on a monthly increment until the beginning of the next license year at the discretion of the board.

Upon payment of the applicable license fee, the board shall issue to the applicant, if its records show his qualifications not suspended or revoked, the appropriate annual license for the practice of dentistry or dental hygiene. The board may institute a late fee not to exceed twenty-five dollars ($25.00) for payments made up to thirty (30) days past due. Failure to pay the required license fee when due shall constitute grounds to suspend, deny or revoke a license.

(2) The board of dentistry may issue different classes of licenses as defined in this subsection.

(a) The term "license with active status" means a license issued by the board to a person who is an active practitioner of dentistry or dental hygiene in the state of Idaho.

(b) The term "license with an inactive status" means a license issued by the board to a person who is not an active practitioner of dentistry in the state of Idaho or who is not on the staff of any educational institution teaching dentistry or dental hygiene in the state of Idaho.

(c) The term "license with a special status" means a license issued by the board on a provisional basis under the terms of which ~~such~~ the license must be surrendered to the board in the event of the happening of a named contingency; in the event the holder ~~thereof~~ fails to comply with requirements established by the board as conditions precedent to the issuance of ~~such~~ the license; or on the expiration of a stated period of time. The term shall also include a license which restricts or prohibits the licensee from performing certain services, or authorizes the licensee to perform only specified services.

(d) The term "active practitioner of dentistry or of dental hygiene" means a person who, within the state of Idaho, performs any of the acts or performs any of the services mentioned in sections 54-901 and 54-902, Idaho Code~~;--provided,--however~~. However, that absences from ~~such~~ his practice by reasons of illness or vacation not exceeding two (2) years, service in the dental department of the armed forces of the United States or the United States public health service not exceeding five (5) years, or the taking of board approved post-graduate educational courses, either within or without the state of Idaho, shall not affect the active status of ~~such~~ the practitioner.

(3)(a) The board may issue a license with active status to any person who fulfills or has previously fulfilled the licensure requirements and who is an active practitioner of dentistry or

dental hygiene in the state of Idaho or who signifies to the board, in writing, that upon issuance of the initial license, or reissuance of an annual license, he intends to be an active practitioner in this state within one (1) year. Exceptions may be made in conjunction with the provisions of subsection ~~54-920(2)(d),-Idaho-Code~~ of this section.

(b) The board may issue a license with inactive status to any person who fulfills or has fulfilled the licensure requirements but who, for any reason, is not eligible for a license with active status ~~as-defined-above~~.

(c) ~~The-board-may-issue-a-license-with--inactive--status--to--any person--who--fulfills--or-has-fulfilled-the-licensure-requirements and-holds-a-license-with-active-status-but-who-requests-the--issuance--or-reissuance-of-a-license-with-inactive-status-by-reason-of inability-to-comply-with-the-definitions-of-active-status.~~

~~(d)~~ The board may issue a license with special status to any person who otherwise generally fulfills the licensure requirements but where in the judgment of the board, special circumstances exist which, for the protection of the public health and welfare, require specific limitations or who practices exclusively in a specialized area of dentistry.

A license with special status shall be considered, but not limited to one of the following:

1. A license issued which states a specific length of time it may be held valid;
2. A license issued which places specific conditions that must be fulfilled to remain effective;
3. A license issued which limits the scope or type of treatment which the holder may render or places limitations of persons for whom treatment may be rendered;
4. The board shall develop rules on specialized practice to include definitions, provisions for application, examination, limitation of practice and annual renewal of licensure.

(4) (a) A license with active status entitles the holder ~~thereof~~ to practice dentistry or dental hygiene in the state of Idaho, as prescribed by the terms of the license.

(b) A license with inactive status does not entitle the holder ~~thereof~~ to practice dentistry or dental hygiene in the state of Idaho~~;-provided,-however~~. However, the board may convert a license with inactive status to a license with active status in the event the holder ~~thereof~~ pays the license fee prescribed for licenses with active status and submits to the board satisfactory evidence of:

1. Compliance with the requirements of this chapter ~~9,-title 54,--Idaho--Code,~~ and all rules and regulations promulgated ~~thereunder~~ the provisions of this chapter.
2. Evidence of good moral character and good professional conduct.
3. A certificate of a licensed physician verifying that the applicant for conversion of license status is not subject to physical or mental conditions that render the applicant

incapable of performing the physical tasks necessary in the efficient and competent practice of dentistry or dental hygiene, or so impair the applicant's functions of judgment as to constitute a substantial impairment for him to efficiently and competently practice dentistry or dental hygiene.

4. Active practice during the previous twelve (12) months or employment as a dental or dental hygiene instructor.

(c) A license with special status entitles the holder thereof to practice dentistry or dental hygiene in the state of Idaho only within the limitations specifically determined by the board and for the period of time prescribed.

(5) A license with retirement status does not permit the holder to practice dentistry or dental hygiene in the state of Idaho, but indicates the holder has been a practitioner holding a license in good standing at the time of retirement.

SECTION 7. That Section 54-923, Idaho Code, be, and the same is hereby amended to read as follows:

54-923. REVOCATION FOR CONVICTIONS OF CRIME. A certificate or other evidence of qualification and right to practice dentistry, a dental specialty or dental hygiene, and an annual license, may be revoked by the board whenever it shall be shown to the board that the holder of such certificate or other evidence of qualification, right to practice or license has been finally adjudged guilty of a felony, or of a misdemeanor involving moral turpitude, whether such final judgment shall have been entered before or after qualification, or accrual of such right, or the issuance of such certificate or other evidence of qualification, or of such annual license.

A copy of the judgment of conviction, certified to be full, true, correct and final by the clerk or judge of the court wherein conviction was had, shall be conclusive evidence of such conviction, and upon the filing thereof with the board, the revocation shall be entered without further proceedings.

SECTION 8. That Section 54-924, Idaho Code, be, and the same is hereby amended to read as follows:

54-924. OTHER GROUNDS OF REVOCATION OR SUSPENSION OF DENTISTS -- PROBATION AGREEMENTS. The certificate or other evidence of qualification, and the right to practice dentistry or any dental specialty and the annual license of any dentist or dental specialist may be revoked, or suspended by the board upon proceedings as ~~in this act~~ provided by law in the event ~~such~~ a dentist shall:

(a) Intentionally misstate, or fail fully to disclose, a fact material to determination of fitness and qualification in an application for examination to practice dentistry~~;~~, or cheat in an examination to practice dentistry; or procure a certificate or finding of qualification to practice dentistry or subsequently an annual license ~~therefor~~ by false, fraudulent or deceitful means or in any other name than his own true name; or

(b) Practice dentistry under any name other than his own true name except as authorized by the provisions of the professional service corporation act; or

(c) Practice or in any manner or by any means or at any place hold out or represent himself as practicing dentistry in or under the name of, or as a member, representative, agent or employee of, or in connection with, any company, association, or corporation, or under any trade, fictitious or business name except as authorized by the provisions of the professional service corporation act; or

(d) Make, or cause to be made, or assist in making, any fraudulent, false, misleading or puffing statement as to his own, or an employee's associate's, or other dentist's or dental hygienist's skill or lack of skill, or method of practice; or claim to practice dentistry without causing pain; or claim superiority over other dentists; or publish, advertise, or circulate reports, letters, certificates, indorsements, or evidence of cures or corrections of dental conditions by such dentist, his employee or associate by reason of his or their skill, experience, or ability or of his or their use of any system, method, technique, device, drug, medicine, material, manipulation or machine; or advertise the use of, or use, any system, method, technique, device, drug, medicine, material or machine, which is either falsely advertised or misnamed; or

(e) Employ "cappers" or "steerers" to obtain patronage~~;~~, or call or seek to call, the attention of the public to him, his office, his skill, or his practice, by public exhibition, use, reproduction, or representation of specimens or samples, of dental work, or by demonstrations in public~~;--provided,--however,--that--this~~. This shall not apply to ~~bona--fide~~ teaching in dental or dental hygiene schools, or demonstrations or exhibitions before meetings of other dentists or dental hygienists; or

(f) Use intoxicants or drugs to such a degree as to render him unfit to practice~~;~~, or be guilty of gross malpractice; or be guilty of unprofessional or flagrant immoral conduct; or

(g) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or

(h) Employ or permit any person not a dentist to practice dentistry, or any person not a dentist or dental hygienist to practice dental hygiene, in his office or under his control or direction; except that a dentist may allow a dental assistant to perform any dental services as may be specified by the board from time to time in its adopted rules and regulations~~;--provided,--however,--a~~. A dental assistant may not be authorized to perform any of the following:

(1) Any service which a dental hygienist is prohibited from performing by section 54-902, Idaho Code, or by any rule or regulation adopted by the board;

(2) Removal of calculus deposits from natural tooth surfaces and the performance of soft tissue curettage procedures;

(3) Administration of general or injected local anesthetics of any nature in connection with a dental operation;

(4) Conducting oral examination for the purpose of charting existing conditions; or

(5) Interpreting radiographs;

(i) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work, in a thoroughly clean and sanitary condition; or

(j) Violate any other provisions of ~~this--act~~ law or rules or regulations lawfully promulgated by the board.

The board shall specifically set forth in the order of revocation or suspension the period of time for which ~~such~~ a license shall be revoked or suspended and in lieu of revocation, the board may enter into a consent order providing for a probation period which shall be for a term of not more than three (3) years and shall be in lieu of other disciplinary action.

(k) Hold himself out to the public as a specialist in the specialty areas of dentistry defined by regulation.

Approved March 12, 1986.

CHAPTER 36
(S.B. No. 1362)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-902, IDAHO CODE, TO EXPAND THE DEFINITION OF PREMISES, TO CHANGE NOMENCLATURE, AND TO STRIKE AN OBSOLETE DEFINITION.

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

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

23-902. DEFINITIONS. The following words and phrases used in this 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 chapter~~ by law.

d. "Municipal license" means a license issued by a municipality of the state of Idaho under the provisions of ~~this chapter~~ law.

e. "Licensee" means the person to whom a license is issued under the provisions of ~~this chapter~~ law.

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--chapter~~ law.

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

k. "Premises" means the building and contiguous property owned, or leased or used under a government permit by a licensee as part of the business establishment in the business of sale of liquor by the drink at retail, which property is improved to include decks, docks, boardwalks, lawns, gardens, golf courses, ski resorts, courtyards, patios, poolside areas or similar improved appurtenances in which the sale of liquor by the drink at retail is authorized under the provisions of ~~this-chapter~~ law.

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 operates 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~~ that 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.

~~m.--"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-chapter,--the--definition of-which-is-not-herein-given,-shall-be-given-the-ordinary-and-commonly understood-and-accepted-meaning.~~

Approved March 12, 1986.

CHAPTER 37
(S.B. No. 1414)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN TRANSFERS BY THE STATE AUDITOR; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 207, LAWS OF 1985; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is legislative intent that the moneys appropriated in Section 2 shall be transferred by the State Auditor from the Apple Commission Account to the Agricultural Inspection Account.

SECTION 1. In addition to the appropriation made by Section 2, Chapter 207, Laws of 1985, there is hereby appropriated to the Department of Agriculture 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, 1985, through June 30, 1986:

A. PLANT INDUSTRY:

FOR:	
Personnel Costs	$17,000
FROM:	
Agriculture Department Inspection Account	$17,000

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 12, 1986.

CHAPTER 38
(S.B. No. 1232)

AN ACT

RELATING TO SERVICES TO VICTIMS OF CYSTIC FIBROSIS; AMENDING SECTION 39-147, IDAHO CODE, TO ELIMINATE THE REQUIREMENT THAT SERVICES TO CYSTIC FIBROSIS VICTIMS OVER THE AGE OF TWENTY-ONE BE CONSISTENT WITH SERVICES OFFERED TO PERSONS UNDER TWENTY-ONE YEARS OF AGE.

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

SECTION 1. That Section 39-147, Idaho Code, be, and the same is hereby amended to read as follows:

39-147. SERVICES TO VICTIMS OF CYSTIC FIBROSIS. The department of health and welfare shall establish, through the crippled children's program, a program of services to persons suffering from cystic fibrosis who are twenty-one (21) years or more of age~~,--which--is--consistent-with-the-existing-program-maintained-for-persons-under-twenty-one--(21)--years--of-age~~. The department shall establish uniform standards of financial eligibility for services provided under this section.

Approved March 13, 1986.

CHAPTER 39
(H.B. No. 698)

AN ACT

RELATING TO STATE REVENUES; 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 CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3640A, IDAHO CODE, TO PROVIDE FOR CONTRACTS ENTERED INTO PRIOR TO THE EFFECTIVE DATE OF THE INCREASED SALES AND USE TAX; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE PERMANENT BUILDING ACCOUNT; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. 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 April 1, 1986,

and ending June 30, 1987, 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 per cent (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 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 63-3640A, Idaho Code, and to read as follows:

63-3640A. CONTRACTS ENTERED INTO BEFORE EFFECTIVE DATE OF INCREASED TAX. (1) Commencing April 1, 1986, and ending June 30, 1987, 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 one cent ($.01) of the taxes imposed by sections 63-3619 and 63-3621, 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 March 31, 1986, or was submitted for bid or bid in written form on or before March 31, 1986, and subsequently became a written contract; and

(c) Was negotiated or bid based upon the sales or use tax being four percent (4%); 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 one cent ($.01) of the tax imposed by sections 63-3619 and 63-3621, Idaho Code, if it has actually been paid by him.

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 one cent ($.01) of the tax imposed by sections 63-3619 and 63-3621, 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 3. During Fiscal Year 1987, there is hereby appropriated from the General Account to the Permanent Building Account the sum of $15,000,000.

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 April 1, 1986.

Law Without Signature, March 13, 1986.

CHAPTER 40
(H.B. No. 379)

AN ACT

RELATING TO THE SUSPENSION, REVOCATION, OR REFUSAL OF LICENSE OF NON-RESIDENTS; AMENDING SECTION 41-1077, IDAHO CODE, TO REQUIRE THE DIRECTOR TO TAKE THE SAME ACTION, WITHOUT HEARING, THAT IS TAKEN BY THE STATE OF DOMICILE.

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

SECTION 1. That Section 41-1077, Idaho Code, be, and the same is hereby amended to read as follows:

41-1077. ADMINISTRATIVE PENALTY -- SUSPENSION, REVOCATION, REFUSAL OF LICENSE. (1) The director may impose an administrative penalty not to exceed one thousand dollars ($1,000), for deposit in the general fund of the state of Idaho, suspend for not more than twelve (12) months, or may revoke or refuse to continue any license issued under this chapter, or under chapter 11, title 41, Idaho Code (adjusters), or any surplus lines broker's license if, after hearing held on not less than twenty (20) days' advance notice of such hearing and of the charges against the licensee given as provided in section 41-212(3), Idaho Code, to the licensee and to the insurers represented (as to an agent) or to the appointing agent or broker (as to a solicitor), he finds that as to the licensee any one or more of the following causes exist:

(a) For any cause for which issuance of the license could have been refused had it then existed and been known to the director.

(b) For obtaining or attempting to obtain any such license through fraud or through wilful misrepresentations or misstatements as to any material matter.

(c) For violation of or noncompliance with any applicable provision of this code, or for wilful violation of any lawful rule, regulation, or order of the director.

(d) For misappropriation or conversion to his own use, or illegal withholding, of moneys or property belonging to policyholders, or insurers, or beneficiaries, or others and received in conduct of business under the license.

(e) Conviction, by final judgment, of a crime involving moral turpitude.

(f) For material misrepresentation of the terms of any insurance contract or proposed insurance contract or misrepresentation of any

fact material to any insurance transaction or proposed transaction.

(g) If in the conduct of his affairs under the license the licensee has used fraudulent or dishonest practices, or has shown himself to be incompetent, untrustworthy or a source of injury and loss to the public or others.

(2) The license of an agent or broker or consultant firm or corporation may be suspended, revoked or refused for any of such causes as relate to any individual designated in, or registered with the director as to, the license to exercise its powers.

(3) The director shall, without hearing, suspend for not more than twelve (12) months, or shall revoke or refuse to continue any license issued under this chapter to a nonresident where the director has received a final order of suspension, revocation or refusal to continue from the insurance regulatory official or court of jurisdiction of the licensee's state of domicile.

Approved March 14, 1986.

CHAPTER 41
(H.B. No. 381)

AN ACT

RELATING TO CERTIFICATE OF REGISTRATION FOR INSURANCE ADMINISTRATORS; AMENDING SECTION 41-913, IDAHO CODE, TO PROVIDE CERTAIN CRITERIA FOR WHICH THE DIRECTOR MAY REFUSE TO ISSUE OR REFUSE TO RENEW A CERTIFICATE OF REGISTRATION.

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

SECTION 1. That Section 41-913, Idaho Code, be, and the same is hereby amended to read as follows:

41-913. CERTIFICATE OF REGISTRATION -- FEES -- EXPIRATION -- RENEWAL -- REVOCATION. (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 not be issued until the director has determined that the administrator is competent, trustworthy, financially responsible and of good personal and business reputation.

(4) 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~~5) 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~~6) 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~~7) 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~~8) 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.

Approved March 14, 1986.

CHAPTER 42
(H.B. No. 401)

AN ACT

RELATING TO THE GENERAL ELIGIBILITY FOR A CERTIFICATE OF AUTHORITY; AMENDING SECTION 41-308, IDAHO CODE, TO PROVIDE CERTAIN CRITERIA WHICH THE DIRECTOR WILL CONSIDER IN GRANTING A CERTIFICATE OF AUTHORITY FOR AN INSURER TO TRANSACT INSURANCE IN THIS STATE.

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

SECTION 1. That Section 41-308, Idaho Code, be, and the same is hereby amended to read as follows:

41-308. GENERAL ELIGIBILITY FOR CERTIFICATE OF AUTHORITY. To qualify for and hold authority to transact insurance in this state an insurer must be otherwise in compliance with this code and with its charter powers, and must be an incorporated stock insurer, or an incorporated mutual insurer, or a reciprocal insurer, of the same general type as may be formed as a domestic insurer under this code~~,~~; except that:

(1) No insurer shall be authorized to transact insurance in this state which does not maintain reserves as required by chapter 6 (assets and liabilities) of this code applicable to the kind or kinds of insurance transacted by such insurer, wherever transacted in the United States.

(2) Before granting authority to an insurer to transact insurance in this state, the director shall take into consideration the length of time the insurer has been transacting insurance; the net profit or loss experienced over the previous five (5) years; or any other factor which for good reason he believes could make the admittance of the insurer not in the best interest of the insurance-buying public.

(3) The ~~commissioner~~ director shall not grant or continue authority to transact insurance in this state as to any insurer the management of which is found by him, after a hearing held thereon, to be untrustworthy, or so lacking in insurance experience as to make the proposed operation hazardous to the insurance-buying public; or which, after a hearing held thereon, he has good reason to believe is affiliated directly or indirectly through ownership, control, reinsurance transactions or other insurance or business relations, with any person or persons whose business operations are or have been marked, to the detriment of policyholders or stockholders or investors or creditors or of the public, by manipulation or dissipation of assets, or manipulation of accounts, or of reinsurance, or by similar injurious actions.

Approved March 14, 1986.

CHAPTER 43
(H.B. No. 436)

AN ACT

RELATING TO THE IDAHO LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION; AMENDING SECTION 41-4309, IDAHO CODE, TO REMOVE THE FIFTY DOLLAR ASSESSMENT LIMIT ON CLASS A ASSESSMENTS ON MEMBER INSURERS.

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

SECTION 1. That Section 41-4309, Idaho Code, be, and the same is hereby amended to read as follows:

41-4309. ASSESSMENTS. (1) For the purpose of providing the funds necessary to carry out the powers and duties of the association, the board of directors shall assess the member insurers, separately for each account, at such time and for such amounts as the board finds necessary. Assessments shall be due not less than thirty (30) days after prior written notice to the member insurers and shall accrue interest at eight percent (8%) per annum on and after the due date.

(2) There shall be three (3) classes of assessments, as follows~~:~~:

(a) Class A assessments shall be made for the purpose of meeting administrative costs and other general expenses and examinations conducted under the authority of subsection (5) of section 41-4312 and of section 41-4315, Idaho Code.
(b) Class B assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 41-4308, Idaho Code, with regard to an impaired or insolvent domestic insurer.
(c) Class C assessments shall be made to the extent necessary to carry out the powers and duties of the association under section 41-4308, Idaho Code, with regard to an insolvent foreign or alien insurer.
(3) (a) The amount of any class A assessment shall be determined by the board and may be made on a nonprorata basis. Such assessment shall be credited against future insolvency assessments ~~and shall not exceed fifty dollars ($50.00) per company in any one calendar year~~. The amount of any class B or C assessment shall be allocated for assessment purposes among the accounts in the proportion that the premiums received by the impaired or insolvent insurer on the policies covered by each account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to the premiums received by such insurer for such calendar year on all covered policies.
(b) Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessments bears to such premiums received on business in this state for the calendar year preceding the assessment by all assessed member insurers.
(c) Class B assessments for each account shall be made separately for each state in which the impaired or insolvent domestic insurer was authorized to transact insurance at any time, in the proportion that the premiums received on business in such state by the impaired or insolvent insurer on policies covered by such account for the last calendar year preceding the assessment in which the impaired or insolvent insurer received premiums bears to such premiums received in all such states for such calendar year by the impaired or insolvent insurer. The assessments against member insurers shall be in the proportion that the premiums received on business in each such state by each assessed member insurer on policies covered by each account for the calendar year preceding the assessment bears to such premiums received on business in each state for the calendar year preceding assessment by all assessed member insurers.
(d) Assessments for funds to meet the requirements of the association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this act. Classification of assessments under subsection (2) of this section and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact

determinations may not always be possible.

(4) The association may abate or defer, in whole or in part, the assessment of a member insurer if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section.

(5) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed two percent (2%) of such insurer's premiums received in this state during the calendar year preceding the assessment on the policies covered by the account. If the maximum assessment, together with the other assets of the association in either account, does not provide in any one year in either account an amount sufficient to carry out the responsibilities of the association, the necessary additional funds shall be assessed as soon thereafter as permitted by this act.

(6) The board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the board finds is necessary to carry out during the coming year the obligations of the association with regard to that account, including assets accruing from net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the association and for future losses if refunds are impractical.

(7) It shall be proper for any member insurer, in determining its premium rates and policyowner dividends as to any kind of insurance within the scope of this act, to consider the amount reasonably necessary to meet its assessment obligations under this act.

(8) The association shall issue to each insurer paying an assessment under this act, other than a class A assessment, a certificate of contribution, in a form prescribed by the director, for the amount of the assessment so paid. All outstanding certificates shall be of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the director may approve.

Approved March 14, 1986.

CHAPTER 44
(H.B. No. 527)

AN ACT

RELATING TO SCHOOL DISTRICT FUNDS; AMENDING SECTION 33-801A, IDAHO CODE, TO INCREASE THE LIMIT OF THE GENERAL FUND CONTINGENCY

RESERVE OF THE SCHOOL DISTRICT.

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

SECTION 1. That Section 33-801A, Idaho Code, be, and the same is hereby amended to read as follows:

33-801A. GENERAL FUND CONTINGENCY RESERVE. The board of trustees of any school district may create and establish a general fund contingency reserve within the annual school district budget. Such general fund contingency reserve shall not exceed ~~two-and-one-half~~ five per cent (~~2-1/2~~5%) of the total general fund budget, or the equivalent value of one (1) support unit computed as required by section 33-1002, Idaho Code, whichever is greater~~,-but-not-to-exceed-one-hundred-thousand-dollars-($100,000)~~. Disbursements from said fund may be made by resolution from time to time as the board of trustees determines necessary for contingencies that may arise. The balance of said fund shall not be accumulated beyond the budgeted fiscal year. If any money remains in the contingency reserve it shall be treated as an item of income in the following year's budget.

Approved March 14, 1986.

CHAPTER 45
(H.B. No. 532)

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE THAT IN CALCULATING THE TOTAL DISTRICT ALLOWANCE EDUCATIONAL PROGRAM, THE TOTAL NUMBER OF SUPPORT UNITS BE ROUNDED TO THE NEAREST TENTH.

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 department 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 homebound students in its total attendance, provided that academic instruction has been given by appropriate certified professional staff employed by the district.

5. Support Units. The total state support units shall be determined by using the tables set out hereafter called computation of elementary support units, computation of secondary support units, computation of kindergarten support units, and computation of exceptional education support units. The sum of all of the total support units of all school districts of the state shall be the total state support units.

COMPUTATION OF KINDERGARTEN SUPPORT UNITS

28 Weeks ADA	ADA Per Unit	Units Allowed
41 or more	40.....	1 or more as computed
31 - 40.99 ADA....	-.....	1
26 - 30.99 ADA....	-.....	.85
21 - 25.99 ADA....	-.....	.75
16 - 20.99 ADA....	-.....	.6
8 - 15.99 ADA....	-.....	.5
1 - 7.99 ADA....	-.....	count as elementary

COMPUTATION OF ELEMENTARY SUPPORT UNITS

28 Weeks ADA	ADA Per Unit	Minimum Units Allowed
300 or more ADA....	23.....	15
110 - 299.99 ADA.....	20.....	6
1 - 109.99	Units allowed as follows:	
90 - 109.99 ADA.....		6
70 - 89.99 ADA.....		5
51 - 69.99 ADA.....		4
31 - 50.99 ADA.....		3
16 - 30.99 ADA.....		2
1 - 15.99 ADA.....		1

COMPUTATION OF SECONDARY SUPPORT UNITS

28 Weeks ADA	ADA Per Unit	Minimum Units Allowed
750 or more.....	18.5.....	47
400 - 749.99 ADA....	16.....	28
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	.....	8
Grades 9-12	.....	6
Grades 7- 9	.....	1 per 14 ADA
Grades 7- 8	.....	1 per 16 ADA

COMPUTATION 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 - 11.99....	-.....	.75
4 - 7.99....	-.....	.5
1 - 3.99....	-.....	.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 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 superintendent of public instruction 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 superintendent of public instruction 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~~ carried out to the nearest tenth, 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.

g. 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.

h. 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 eligible 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.

Approved March 14, 1986.

CHAPTER 46
(H.B. No. 533)

AN ACT

RELATING TO THE AUTHORITY OF THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT; AMENDING SECTION 33-513, IDAHO CODE, TO CORRECT A CITATION.

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 superintendent of public instruction, 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 employ-

ment of any such person, the state superintendent of public instruction 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 willfully refuse to acknowledge receipt of the contract or the contract is not signed and returned to the board in the designated period of time, the board may declare the position vacant.

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 33-100~~1~~2(4), 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 33-515, 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 a material 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. Any certificated professional employee, except the superintendent, may be discharged during a contract term under the following procedures:

(a) The superintendent or any other duly authorized administrative officer of the school district may recommend the discharge of any certificated employee by filing with the board of trustees

written notice specifying the alleged reasons for discharge.

(b) Upon receipt of such notice the board acting through their duly authorized administrative official, 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 and be represented by counsel.

(k) The affected employee may file written briefs and arguments with the board within three (3) days after the close of the hearing or such other time as may be agreed upon by the affected employee and the board.

(l) Within fifteen (15) days following the close of the hearing, the board shall determine and, acting through their duly authorized administrative official, 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 retained, immediately discharged, or discharged upon termination of the current contract.

Approved March 14, 1986.

CHAPTER 47
(H.B. No. 534)

AN ACT

RELATING TO THE FISCAL AFFAIRS OF SCHOOL DISTRICTS; AMENDING SECTION 33-701, IDAHO CODE, TO ESTABLISH A DATE FOR THE FILING OF THE ANNUAL REPORT OF AUDIT OF A SCHOOL DISTRICT WITH THE STATE BOARD OF EDUCATION.

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

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

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

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

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

Whenever any school district other than an elementary school district with less than six (6) teachers within the district has sufficient funds on deposit so to do, it may pay any allowed claim for salaries, wages or purchases by regular bank check signed by the treasurer of the district and countersigned by the chairman, or vice-chairman, of the board of trustees.

The total amount of warrants or orders for warrants drawn on any fund, together with disbursements from such fund in any other manner made, shall not exceed ninety-five percent (95%) of the estimated income and revenue accrued or accruing to such fund for the same school year, until such income and revenue shall have been paid into the treasury to the credit of the district~~.~~;

2. To invest all or part of any plant facilities reserve fund, or any fund accumulated for the payment of interest on, and the redemption of, outstanding bonds, or other obligations of the district in bonds or certificates of indebtedness of the United States of America, or in bonds or warrants of the state of Idaho, or in warrants or tax anticipation notes of any county or school district of the state of Idaho, when such investments shall be due and payable on or before the date any plant facilities reserve fund shall be required to be expended or any bonds or other obligations, or interest thereon, of the investing district shall become payable.

Whenever in the judgment of the board of trustees, the proceeds of any bond issue should be temporarily invested pending the expenditure of such proceeds for the purposes for which such bonds were issued, the proceeds may be invested in the manner and form hereinabove prescribed. Any interest, or profits accruing from such investments shall be used for the purposes for which the bonds were issued. Unless

otherwise provided by law, any interest or profits accruing from the investment of any funds shall be credited to the general fund of the district;

3. To insure any school house and other property, and the district, against any loss by fire, casualty, or liability, and the board, its officers and employees, and to preserve its property for the benefit of the district. In case of loss of any insured property, any proceeds from insurance:

(a) may be expended in constructing a temporary or permanent structure, but no sum greater than the insurance proceeds shall be so expended except upon approval of a majority of the school district electors voting in an election called for that purpose; or

(b) may be placed in and made a part of the school plant facilities reserve fund of the district, if the district has such a fund; or

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

If the proceeds of any insurance received by a school district by reason of loss on real property shall be less than five thousand dollars ($5,000), such proceeds may be credited to the general fund of the district;

4. To pay from the general fund of the district the expense of any member of the board incurred while traveling on the business of the board, or attending any meeting called by the state board of education or by the state superintendent of public instruction, or attending any annual or special meetings of the state school trustees association, and to pay the membership fee of the board of trustees in said association. Whenever any member of the board of trustees resides at such distance from the meeting place of the board as to require, in the judgment of the board, such member to incur extraordinary expense in traveling from his home to and from said meeting place, the board may approve payment to such member of the extraordinary expense incurred in attending any meeting of the board.

For the purpose of this paragraph, the term "expense" or "extraordinary expense" shall include allowance for mileage or actual travel expense incurred;

5. To prepare, or cause to be prepared and published, in the manner hereinafter prescribed, within one hundred twenty (120) days from the last day of each fiscal year, an annual statement of financial condition and report of the school district as of the end of such fiscal year in a form prescribed by the state superintendent of public instruction. Such annual statement shall include, but not be limited to the amounts of money budgeted and received and from what sources, and the amounts budgeted and expended for salaries and other expenses by category. Salaries may be reported in gross amount. Each school district shall have available at the administrative office, upon request, a full and complete list of vendors and the amount paid to

each and a list of the number of teachers paid at each of the several stated gross salary levels in effect in the district.

Nothing herein provided shall be construed as limiting any school district as to any additional or supplementary statements and reports it may elect to make for the purpose of informing the public of its financial operations, either as to form, content, method, or frequency; and if all the information required herein to be published shall have been published as provided herein at regular intervals during the fiscal year covering successive portions of the fiscal year, then such information may be omitted from the annual statement of financial condition and report for such portions of the fiscal year as already have been reported.

The annual statement of financial condition and report shall be published within the time above prescribed in one (1) issue of a newspaper printed and published within the district, or, if there be none, then in a newspaper as provided in section 60-106, Idaho Code, published within the district, or, if there be none, then in a newspaper as provided in section 60-106, Idaho Code, in the county in which the school district is located, or, if more than one (1) newspaper is published in said district or county, then in the newspaper most likely to give best general notice of the contents of such annual statement of financial condition and report to the residents of said district; provided, that if no newspaper is published in the district or county, then such statement of financial condition and report shall be published in a newspaper as provided in section 60-106, Idaho Code, most likely to give best general notice of the contents to the residents of said district.

The chairman, clerk and treasurer of each such school district shall certify said annual statement of financial condition and report to be true and correct, and the certification shall be included in each published statement.

In the event the board of trustees of any such school district shall fail to prepare or cause to be prepared or to publish the annual statement of financial condition and report as herein required, the state superintendent of public instruction shall cause the same to be prepared and published, and the cost thereof shall be an obligation of such school district. One (1) copy of such annual statement of financial condition and report shall be retained in the office of the clerk of the board of school trustees, where the same shall be open at all times to examination and inspection by any person;

6. To cause to be made each year, a full and complete audit of all of the financial transactions of the district, and of the activity or student body funds, except that in elementary school districts such audit shall be made at intervals of not more than two (2) years. Any audit shall be made by and under the direction of the board of trustees by an independent auditor, in accordance with generally accepted auditing standards and procedures.

The auditor shall be employed on written contract.

One (1) copy of the report of the audit shall be filed with the legislative auditor, and one (1) copy shall be filed with the state department of education, ~~not more than ten (10) days~~ after its accep-

tance by the board of trustees, but not later than October 15;

7. To file annually with the state department of education such financial and statistical reports as said state superintendent of public instruction may require;

8. To order and have destroyed any canceled check or warrant, or any form of claim or voucher which has been paid, at any time after five (5) years from the date the same was canceled and paid~~.~~;

9. To review the school district budget periodically and make appropriate budget adjustments to reflect the availability of funds and the requirements of the school district. Revenue derived from maintenance and operation levies made pursuant to section 33-802 2, Idaho Code, shall be excluded from budget adjustments as provided in this paragraph. Any person or persons proposing a budget adjustment under this section shall notify in writing each member of the board of trustees one (1) week prior to the meeting at which such proposal will be made. Prior to the final vote on such a proposal, notice shall be posted and published once, as prescribed in section 33-402, Idaho Code. A budget adjustment shall not be approved unless voted affirmatively by sixty percent (60%) of the members of the board of trustees. Such amended budgets shall be submitted to the state board of education~~.~~;

10. To invest any money coming into the hands of the school district in investments permitted by section 67-1210, Idaho Code. Unless otherwise provided by law, any interest or profits accruing from the investment of any funds shall be credited to the general fund of the district.

Approved March 14, 1986.

CHAPTER 48
(H.B. No. 602)

AN ACT

RELATING TO THE TRANSPORTATION OF PUPILS; AMENDING SECTION 33-1503, IDAHO CODE, TO PROVIDE TRANSPORTATION PAYMENTS TO PARENTS OR GUARDIANS OF ALL PUPILS ELIGIBLE FOR TRANSPORTATION WHO ARE TRANSPORTED BY PRIVATE VEHICLE.

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

SECTION 1. That Section 33-1503, Idaho Code, be, and the same is hereby amended to read as follows:

33-1503. PAYMENTS WHEN TRANSPORTATION NOT FURNISHED. a. Whenever any pupil lives more than one and one-half (1 1/2) miles from any established bus stop~~,~~ or from the school ~~but at a greater distance from the nearest bus stop than from the school,~~ of attendance, as designated by the board of trustees, and such pupil is regularly transported by private vehicle not under contract with the school dis-

trict, the board shall pay to the parent or guardian an amount per month not less than ten dollars ($10.00) per vehicle plus mileage at the current rate established by the state board of examiners for each round trip approved. ~~The board of trustees may limit payment to one (1) private vehicle for one or more families.~~

b. Whenever in the judgment of the board of trustees any pupil residing within the area of a non-transportation zone, and otherwise eligible to transportation, cannot be transported in any manner herein authorized, the said board may pay to the parent or guardian thereof such amount of the cost incurred by the parent or guardian for the board and lodging of the pupil as may be authorized by the board of trustees.

Approved March 14, 1986.

CHAPTER 49
(H.B. No. 465)

AN ACT

RELATING TO THE DEFINITION OF RESIDENT UNDER THE FISH AND GAME LAWS; AMENDING SECTION 36-202, IDAHO CODE, TO PROVIDE THAT THE DEFINITION OF RESIDENT SHALL INCLUDE PERSONS ABSENT FROM THE STATE FOR EDUCATIONAL PURPOSES ONLY IF THE PERSONS ARE ENROLLED FULL TIME AT AN EDUCATIONAL INSTITUTION.

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

SECTION 1. That Section 36-202, Idaho Code, be, and the same is hereby amended to read as follows:

36-202. DEFINITIONS. Whenever the following words appear in title 36, Idaho Code, and orders, rules and regulations promulgated by the Idaho fish and game commission or the director of the Idaho department of fish and game, they shall be deemed to have the same meaning and terms of reference as hereinafter set forth. The present tense includes the past and future tenses, and the future, the present.

(a) "Title" shall mean all of the fish and game laws and regulations promulgated pursuant thereto.

(b) "Commission" shall mean the Idaho fish and game commission. "Commissioner" shall mean a member of the Idaho fish and game commission.

(c) "Department" shall mean the Idaho department of fish and game.

(d) "Director" shall mean the director of the Idaho department of fish and game or any person authorized to act in his name.

(e) "Employee" shall mean any employee of the Idaho department of fish and game whose salary is paid entirely or in part by funds administered by the Idaho fish and game commission and whose appointment is made in accordance with the Idaho personnel commission act and related

rules and regulations.

(f) "Person" shall mean an individual, partnership, corporation, company or any other type of association, and any agent or officer of any partnership, corporation, company, or other type of association. The masculine gender includes the feminine and the neuter. The singular, the plural, and the plural, the singular.

(g) "Wildlife" shall mean any form of animal life, native or exotic, generally living in a state of nature.

(h) "Take" shall mean hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess or any attempt to so do.

(i) "Hunting" shall mean chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof.

(j) "Fishing" shall mean any effort made to take, kill, injure, capture, or catch any fish or bullfrog.

(k) "Trapping" shall mean taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices.

(l) "Possession" shall mean both actual and constructive possession, and any control of the object or objects referred to; provided that wildlife taken accidentally and in a manner not contrary to the provisions of this title shall not be deemed to be in possession while being immediately released live back to the wild.

(m) "Possession limit" shall mean the maximum limit in number or amount of wildlife which may be lawfully in the possession of any person. "Possession limit" shall apply to wildlife being in possession while in the field or being transported to final place of consumption or storage.

(n) "Bag limit" shall mean the maximum number of wildlife which may be legally taken, caught, or killed by any one person for any particular period of time, as provided by order of the commission. The term "bag limit" shall be construed to mean an individual, independent effort and shall not be interpreted in any manner as to allow one (1) individual to take more than his "bag limit" toward filling the "bag limit" of another.

(o) "Buy" shall mean to purchase, barter, exchange, or trade and includes any offer or attempt to purchase, barter, exchange, or trade.

(p) "Sell" shall mean to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging or trading.

(q) "Transport" shall mean to carry or convey or cause to be car-

ried or conveyed from one place to another and includes an offer to transport, or receipt or possession for transportation.

(r) "Resident" shall mean any person who has been domiciled in this state, with a bona fide intent to make this his place of permanent abode, for a period of not less than six (6) months immediately preceding the date of application for any license, tag, or permit required under the provisions of this title or orders of the commission and who, when temporarily absent from this state, continues residency with intent to return. Provided that, until any such person has been continuously domiciled outside the state of Idaho for a sufficient period of time to qualify for resident hunting and fishing privileges in his new state of residence, said person shall be deemed not to have lost his residency in Idaho for the purposes of this title. Provided further that:

1. Idaho residents shall not lose their residency in Idaho if they are absent from the state for religious (not to exceed two (2) years) or full time educational (not to exceed five (5) years) purposes, full time to be defined by the educational institution attended, and do not claim residency or use resident privileges in any other state or country for ~~the~~ any purpose ~~of hunting, fishing, or trapping~~.

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

3. A member of the military service of the United States, together with his spouse and children under eighteen (18) years of age residing in his household, who have been officially transferred, stationed, domiciled and on active duty in this state for a period of thirty (30) days last preceding application shall be eligible, as long as such assignment continues, to purchase a resident license.

4. Any person enrolled as a corpsman at a job corps center in Idaho shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

5. Any foreign exchange student enrolled in an Idaho high school shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

(s) "Senior resident" shall mean any person who is over sixty-five (65) years of age and who has been a resident of the state of Idaho as hereinbefore provided for not less than ten (10) years.

(t) "Nonresident" shall mean any person who does not qualify as a resident.

(u) "Order, rule, regulation" are all used interchangeably and each includes the others.

(v) "Blindness" shall mean sight that does not exceed 20/200 as provided by the administrative guidelines of section 56-213, Idaho Code.

(w) "Public highway" shall mean the traveled portion of, and the shoulders on each side of, any road maintained by any governmental entity for public travel, and shall include all bridges, culverts, overpasses, fills, and other structures within the limits of the right-of-way of any such road.

(x) "Motorized vehicle" shall mean any water, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.

(y) "Commercial fish hatchery" shall mean any hatchery, pond, lake or stream or any other waters where fish are held, raised, or produced for sale but shall not include facilities used for the propagation of fish commonly considered as ornamental or aquarium varieties.

Approved March 14, 1986.

CHAPTER 50
(S.B. No. 1247, As Amended in the House)

AN ACT

RELATING TO THE PACIFIC FISHERIES LEGISLATIVE TASK FORCE; PROVIDING LEGISLATIVE INTENT; AND AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-452, IDAHO CODE, TO PROVIDE THAT THE LEGISLATIVE COUNCIL SHALL APPOINT LEGISLATIVE MEMBERS TO REPRESENT IDAHO ON THE PACIFIC FISHERIES LEGISLATIVE TASK FORCE.

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

SECTION 1. LEGISLATIVE INTENT. The legislature of the state of Idaho finds that fishing off the pacific coast plays an indirect yet vital role in enhancing or depleting the fisheries of the state of Idaho. The legislature further finds that there is an obvious need for developing means to protect the pacific coast fisheries for the benefit of the future of Idaho citizens and that this subject is one that requires interstate cooperation.

SECTION 2. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-452, Idaho Code, and to read as follows:

67-452. MEMBERSHIP IN PACIFIC FISHERIES LEGISLATIVE TASK FORCE. The legislative council, joining with the presiding officers of other jurisdictions, shall appoint, respectively two (2) senators, one (1) from the majority party and one (1) from the minority party, and two (2) members of the house of representatives, one (1) from the majority party and one (1) from the minority party, to represent Idaho on the Pacific Fisheries Legislative Task Force, which shall operate as a

clearinghouse for opinion from the various interests involved in pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States congress concerning means of protecting and fostering fishing in the participating jurisdictions. Actual and necessary expenses and per diem shall be allowed as provided by the legislative council, and shall be paid from legislative funds.

Approved March 14, 1986.

CHAPTER 51
(S.B. No. 1311, As Amended in the House)

AN ACT

RELATING TO THE DEFINITION OF SENIOR RESIDENT; AMENDING SECTION 36-202, IDAHO CODE, TO PROVIDE THAT THE DEFINITION OF "SENIOR RESIDENT" SHALL REQUIRE PRIOR RESIDENCY OF FIVE YEARS; AND AMENDING SECTION 36-404, IDAHO CODE, TO REQUIRE THAT CLASS 4 SENIOR RESIDENT COMBINATION LICENSES SHALL BE ISSUED TO SENIOR PERSONS HAVING RESIDENCY CONTINUOUSLY FOR AT LEAST FIVE YEARS.

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

SECTION 1. That Section 36-202, Idaho Code, be, and the same is hereby amended to read as follows:

36-202. DEFINITIONS. Whenever the following words appear in title 36, Idaho Code, and orders, rules and regulations promulgated by the Idaho fish and game commission or the director of the Idaho department of fish and game, they shall be deemed to have the same meaning and terms of reference as hereinafter set forth. The present tense includes the past and future tenses, and the future, the present.

(a) "Title" shall mean all of the fish and game laws and regulations promulgated pursuant thereto.

(b) "Commission" shall mean the Idaho fish and game commission. "Commissioner" shall mean a member of the Idaho fish and game commission.

(c) "Department" shall mean the Idaho department of fish and game.

(d) "Director" shall mean the director of the Idaho department of fish and game or any person authorized to act in his name.

(e) "Employee" shall mean any employee of the Idaho department of fish and game whose salary is paid entirely or in part by funds administered by the Idaho fish and game commission and whose appointment is made in accordance with the Idaho personnel commission act and related rules and regulations.

(f) "Person" shall mean an individual, partnership, corporation,

company or any other type of association, and any agent or officer of any partnership, corporation, company, or other type of association. The masculine gender includes the feminine and the neuter. The singular, the plural, and the plural, the singular.

(g) "Wildlife" shall mean any form of animal life, native or exotic, generally living in a state of nature.

(h) "Take" shall mean hunt, pursue, catch, capture, shoot, fish, seine, trap, kill, or possess or any attempt to so do.

(i) "Hunting" shall mean chasing, driving, flushing, attracting, pursuing, worrying, following after or on the trail of, shooting at, stalking, or lying in wait for, any wildlife whether or not such wildlife is then or subsequently captured, killed, taken, or wounded. Such term does not include stalking, attracting, searching for, or lying in wait for, any wildlife by an unarmed person solely for the purpose of watching wildlife or taking pictures thereof.

(j) "Fishing" shall mean any effort made to take, kill, injure, capture, or catch any fish or bullfrog.

(k) "Trapping" shall mean taking, killing, and capturing wildlife by the use of any trap, snare, deadfall, or other device commonly used to capture wildlife, and the shooting or killing of wildlife lawfully trapped, and includes all lesser acts such as placing, setting or staking such traps, snares, deadfalls, and other devices, whether or not such acts result in the taking of wildlife, and every attempt to take and every act of assistance to any other person in taking or attempting to take wildlife with traps, snares, deadfalls, or other devices.

(l) "Possession" shall mean both actual and constructive possession, and any control of the object or objects referred to; provided that wildlife taken accidentally and in a manner not contrary to the provisions of this title shall not be deemed to be in possession while being immediately released live back to the wild.

(m) "Possession limit" shall mean the maximum limit in number or amount of wildlife which may be lawfully in the possession of any person. "Possession limit" shall apply to wildlife being in possession while in the field or being transported to final place of consumption or storage.

(n) "Bag limit" shall mean the maximum number of wildlife which may be legally taken, caught, or killed by any one person for any particular period of time, as provided by order of the commission. The term "bag limit" shall be construed to mean an individual, independent effort and shall not be interpreted in any manner as to allow one (1) individual to take more than his "bag limit" toward filling the "bag limit" of another.

(o) "Buy" shall mean to purchase, barter, exchange, or trade and includes any offer or attempt to purchase, barter, exchange, or trade.

(p) "Sell" shall mean to offer or possess for sale, barter, exchange, or trade, or the act of selling, bartering, exchanging or trading.

(q) "Transport" shall mean to carry or convey or cause to be carried or conveyed from one place to another and includes an offer to transport, or receipt or possession for transportation.

(r) "Resident" shall mean any person who has been domiciled in this state, with a bona fide intent to make this his place of permanent abode, for a period of not less than six (6) months immediately preceding the date of application for any license, tag, or permit required under the provisions of this title or orders of the commission and who, when temporarily absent from this state, continues residency with intent to return. Provided that, until any such person has been continuously domiciled outside the state of Idaho for a sufficient period of time to qualify for resident hunting and fishing privileges in his new state of residence, said person shall be deemed not to have lost his residency in Idaho for the purposes of this title. Provided further that:

1. Idaho residents shall not lose their residency in Idaho if they are absent from the state for religious (not to exceed two (2) years) or educational (not to exceed five (5) years) purposes and do not claim residency or use resident privileges in any other state or country for the purpose of hunting, fishing, or trapping.
2. Idaho residents who are in the military service of the United States and maintain Idaho as their official home of record, together with their spouse and children under eighteen (18) years of age living in the household, shall be eligible for the purchase of resident licenses.
3. A member of the military service of the United States, together with his spouse and children under eighteen (18) years of age residing in his household, who have been officially transferred, stationed, domiciled and on active duty in this state for a period of thirty (30) days last preceding application shall be eligible, as long as such assignment continues, to purchase a resident license.
4. Any person enrolled as a corpsman at a job corps center in Idaho shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.
5. Any foreign exchange student enrolled in an Idaho high school shall be eligible, as long as he is so enrolled, to obtain a resident fishing license irrespective of his length of residence in this state.

(s) "Senior resident" shall mean any person who is over sixty-five (65) years of age and who has been a resident of the state of Idaho as hereinbefore provided for not less than ~~ten~~ <u>five</u> (~~10~~<u>5</u>) years.

(t) "Nonresident" shall mean any person who does not qualify as a resident.

(u) "Order, rule, regulation" are all used interchangeably and each includes the others.

(v) "Blindness" shall mean sight that does not exceed 20/200 as provided by the administrative guidelines of section 56-213, Idaho Code.

(w) "Public highway" shall mean the traveled portion of, and the shoulders on each side of, any road maintained by any governmental entity for public travel, and shall include all bridges, culverts, overpasses, fills, and other structures within the limits of the

right-of-way of any such road.

(x) "Motorized vehicle" shall mean any water, land or air vehicle propelled by means of steam, petroleum products, electricity, or any other mechanical power.

(y) "Commercial fish hatchery" shall mean any hatchery, pond, lake or stream or any other waters where fish are held, raised, or produced for sale but shall not include facilities used for the propagation of fish commonly considered as ornamental or aquarium varieties.

SECTION 2. That Section 36-404, 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~~ five (~~10~~5) 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 14, 1986.

CHAPTER 52
(S.B. No. 1360)

AN ACT

RELATING TO ESTABLISHING A LIFETIME HUNTING AND FISHING LICENSE CERTIFICATE SYSTEM FOR RESIDENTS; AMENDING SECTION 36-104, IDAHO CODE, TO ALLOW THE FISH AND GAME COMMISSION TO ADMINISTER A LIFETIME LICENSE CERTIFICATE SYSTEM; AMENDING SECTION 36-404, IDAHO CODE, TO PROVIDE THAT LIFETIME LICENSE CERTIFICATE HOLDERS MAY BE ISSUED LICENSES AND TO ESTABLISH A NEW CLASS OF RESIDENT LICENSES; AMENDING SECTION 36-406, IDAHO CODE, TO PROVIDE THAT LIFETIME LICENSES MAY BE OBTAINED BY LIFETIME LICENSE CERTIFICATE HOLDERS; AMENDING SECTION 36-407, IDAHO CODE, TO REFLECT THE ESTABLISHMENT OF THE NEW CLASS OF RESIDENT LICENSES; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE THAT RESIDENT GAME TAGS CAN BE ISSUED ONLY TO RESIDENTS; AND AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-413, IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME COMMISSION SHALL ADMINISTER AND REGULATE A LIFETIME LICENSE CERTIFICATE SYSTEM, TO PROVIDE FOR THE ISSUANCE OF LIFETIME LICENSE CERTIFICATES, TO PROVIDE FEES FOR LIFETIME LICENSE CERTIFICATES AND TO PROVIDE THAT FEES FROM THE SALE OF LIFETIME LICENSE CERTIFICATES BE TRANSMITTED TO THE STATE TREASURER.

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

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization -- Meetings. The members of the commission shall annually meet at their offices in the city of Boise and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings in April, July and October of each year at such places within the state as the commission shall select for the transaction of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said

commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make an order embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by written order the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and conditions upon hunting, angling or trapping as said commission shall find to be necessary.

(A) Every such emergency order shall be made in accordance with the provisions of section 67-5202~~(2)(b)~~3, Idaho Code.

(B) Any person knowingly hunting, angling or trapping in an area or stream closed by any such emergency order, and before such order has been rescinded, shall be deemed guilty of a misdemeanor.

4. At any time it shall deem necessary for the proper management of wildlife on any game preserve in the state of Idaho, declare an open season in any game preserve as it deems appropriate.

5. Upon notice to the public, hold a public drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules and regulations as it shall prescribe. There shall be no fee charged to any individual for submitting an application to participate in a controlled hunt; provided, however, a permit fee of not to exceed three dollars ($3.00) for deer, ten dollars ($10.00) for moose, sheep and goat and five dollars ($5.00) for elk, antelope and such other species as may be determined in the future, shall be charged to successful applicants for the privilege of participating in a controlled hunt. All procedures under this section shall be under the control and in the discretion of the director of the department of fish and game. It is a misdemeanor for any person to transfer any such permit to any other person, or for any person to make use of such permit issued to any other person.

6. Adopt rules and regulations pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other device, lands or waters suitable for the purposes hereinafter enumerated, and

develop, operate, and maintain the same for said purposes, which are hereby declared a public use:

(A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

(B) For game, bird, fish or fur-bearing animal restoration, propagation or protection;

(C) For public hunting, fishing or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law; or the regulation of the commission;

(D) To extend and consolidate by exchange, lands or waters suitable for the above purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

11. Adopt rules and regulations pertaining to the application for, issuance of and administration of a lifetime license certificate system.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

SECTION 2. 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~~ seven (6~~7~~) classes. Licenses of the first ~~four~~ five (4~~5~~) classes mentioned in this section may be purchased or obtained only by persons who meet residency requirements under the provisions of ~~subsections~~ 36-202(r) and (s), Idaho Code, or who are valid holders of a lifetime license certificate.

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: Resident Lifetime Combination -- Hunting -- Fishing License. Licenses to be issued only to persons who are valid holders of a lifetime license certificate.

Class 6: Nonresident Hunting -- Fishing -- Trapping -- Licenses. Licenses required of persons who are nonresidents.

Class 67: 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.

SECTION 3. That Section 36-406, Idaho Code, be, and the same is hereby amended to read as follows:

36-406. RESIDENT FISHING, HUNTING AND TRAPPING LICENSES -- FEES. (a) Adult Licenses -- Combination -- Fishing -- Hunting -- Trapping. A license of the first class may be had by a person possessing the qualifications therein described on payment of fifteen dollars ($15.00) for a combined fishing and hunting license entitling the purchaser to hunt and fish for game animals, game birds, unprotected and predatory animals and fish of the state, ten dollars ($10.00) for a fishing license entitling the purchaser to fish in the public waters of the state, six dollars ($6.00) for a hunting license entitling the purchaser to hunt game animals, game birds, unprotected and predatory animals of the state, and twenty-five dollars ($25.00) for a trapping license entitling the purchaser to trap furbearers, unprotected and predatory animals of the state.

(b) Youth Licenses -- Hunting -- Trapping. A license of the second class may be had by a person possessing the qualifications therein described on payment of four dollars ($4.00) for a hunting license, and five dollars ($5.00) for a trapping license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(c) Youth Combination -- Fishing Licenses. A license of the third class may be purchased by a person possessing the qualifications therein described on payment of nine dollars ($9.00) for a combined fishing and hunting license, and six dollars ($6.00) for a fishing license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(d) Senior Resident Combination. A license of the fourth class may be had by a person possessing the qualifications therein described

on payment of three dollars ($3.00) for a combined fishing and hunting license entitling the purchaser to the same privileges as the corresponding license of the first class provides.

(e) Lifetime Licenses -- Combination -- Hunting -- Fishing. A license of the fifth class may be obtained at no additional charge by a person possessing the qualifications therein described for a combined hunting and fishing license, for a hunting license, or for a fishing license, entitling the person to the same privileges as the corresponding license of the first class provides. Lifetime licensees must be certified under the provisions of section 36-411, Idaho Code, before being issued a license to hunt.

SECTION 4. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the ~~fifth~~ sixth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting License. A license issued only to a person twelve (12) years of age or older entitling said person to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals and predatory birds and animals and to purchase game tags as provided in subsection 36-409(b), Idaho Code. A license of this kind may be had upon payment of seventy-five dollars ($75.00).

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had by persons fourteen (14) years of age or older upon payment of thirty-five dollars ($35.00).

(c) Nonresident Trapping License. A license entitling a person to trap fur-bearing, unprotected, and predatory animals. A license of this kind may be had upon payment of one hundred and fifty dollars ($150.00) providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A license entitling a person to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of ten dollars ($10.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

(e) Nonresident Ten Day Fishing License. A license entitling a person to fish in the waters of the state for a period of ten (10) consecutive days only. A license of this kind may be had upon payment of seventeen dollars ($17.00).

(f) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstand-

ing), upon payment of five dollars ($5.00) per day for each effective day thereof.

SECTION 5. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- ARCHERY PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has obtained a permit to hunt, as provided in section 36-401, Idaho Code, or has purchased or obtained a license to hunt, as provided in section 36-406, Idaho Code, upon payment of the fees provided herein shall be eligible to receive a resident game tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear, or turkey in accordance with the laws of this state and regulations promulgated by the commission; provided further, that the holder of a senior resident permit may be issued a bear, deer or elk tag without charge; provided further, that resident game tags may be issued only to those persons who meet residency requirements of subsection (r) of section 36-202, Idaho Code.

(b) Nonresident Game Tags. A nonresident who has purchased a hunting license, as provided in section 36-407(a), Idaho Code, or has obtained a license to hunt, as provided in section 36-406(e), Idaho Code, upon payment of the fees provided herein, shall be eligible to receive a nonresident tag to hunt and kill a moose, bighorn sheep, mountain goat, elk, deer, antelope, mountain lion, bear or turkey in accordance with the laws of this state and regulations promulgated by the commission.

(c) Schedule of Game Tag Fees.

Game	Resident	Nonresident
Moose	$ 60.00	$150.00
Bighorn Sheep	60.00	150.00
Mountain Goat	60.00	150.00
Elk	13.50	151.50
Deer	7.50	51.50
Antelope	26.50	51.50
Mountain Lion	10.00	50.00
Bear	6.00	25.00
Turkey	6.00	12.00

(d) Game Tags Required -- To Be Endorsed on License. The appropriate tag must be had for the hunting or taking of each and every one (1) of the aforementioned wildlife. Provided, however, that the requirements for a mountain lion tag or a bear tag, as to different periods of time and areas of the state, shall be determined and specified by the commission. All of said tags are to bear and have serial numbers to be endorsed on the purchaser's license by the vendor at the time of sale.

(e) Game Tag to Be Validated and Attached to Carcass. As soon as any person kills any wildlife for which a tag is required, said tag, belonging to him, must be validated and attached to said wildlife in a manner provided by commission regulation.

(f) Archery Permits. In addition to meeting the license and tag requirements provided in this chapter, any persons participating in any controlled or general game season which has been specifically

designated as an archery hunt must have in his possession an archery hunt permit which may be purchased at a fee of five dollars ($5.00).

(g) Muzzleloader Permit. In addition to meeting the license and tag requirements provided in this chapter, any person participating in any controlled or general game season which has been specifically designated as a muzzleloader hunt must have in his possession a muzzleloader permit which may be purchased at a fee of five dollars ($5.00).

(h) Penalty. Failure to comply with any of the provisions of this section shall constitute a misdemeanor.

SECTION 6. That Chapter 4, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-413, Idaho Code, and to read as follows:

36-413. LIFETIME LICENSE CERTIFICATE -- FEE. (a) The fish and game commission shall issue rules and regulations to administer a lifetime license certificate system.

(b) A lifetime license certificate may be sold to any person who qualifies as a resident or is granted resident license privileges as provided in subsection (r) of section 36-202, Idaho Code.

(c) A lifetime certificate may be obtained by a person one (1) day of age through one (1) year of age possessing the qualifications therein described upon payment of twenty-five (25) times the fee prescribed for a combined hunting and fishing license in section 36-406(a), Idaho Code, for a combined hunting and fishing license certificate; twenty-five (25) times the fee prescribed for a hunting license in section 36-406(a), Idaho Code, for a hunting license certificate; or twenty-five (25) times the fee prescribed for a fishing license in section 36-406(a), Idaho Code, for a fishing license certificate.

(d) A lifetime certificate may be obtained by a person two (2) years of age through fifty (50) years of age possessing the qualifications therein described upon payment of thirty-five (35) times the fee prescribed for a combined hunting and fishing license in section 36-406(a), Idaho Code, for a combined hunting and fishing license certificate; thirty-five (35) times the fee prescribed for a hunting license in section 36-406(a), Idaho Code, for a hunting license certificate; or thirty-five (35) times the fee prescribed for a fishing license in section 36-406(a), Idaho Code, for a fishing license certificate.

(e) A lifetime certificate may be obtained by a person fifty-one (51) years of age or older possessing the qualifications therein described upon payment of twenty (20) times the fee prescribed for a combined hunting and fishing license in section 36-406(a), Idaho Code, for a combined hunting and fishing license certificate; twenty (20) times the fee prescribed for a hunting license in section 36-406(a), Idaho Code, for a hunting license certificate; or twenty (20) times the fee prescribed for a fishing license in section 36-406(a), Idaho Code, for a fishing license certificate.

(f) Holders of lifetime license certificates shall be subject to

the provisions of title 36, Idaho Code.

(g) The director shall promptly transmit to the state treasurer all moneys received by him from the sale of lifetime license certificates and the state treasurer shall deposit all such moneys in the fish and game trust account. All such moneys shall be expended at the direction of the commission to carry out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose.

Approved March 14, 1986.

CHAPTER 53
(S.B. No. 1380)

AN ACT

RELATING TO LANDSCAPE ARCHITECTS; AMENDING SECTION 54-3003, IDAHO CODE, TO INCREASE THE EXAMINATION FEE, AND TO PROVIDE FOR REGISTRATION OF OUT-OF-STATE REGISTERED LANDSCAPE ARCHITECTS ONLY AFTER EXAMINATION.

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

SECTION 1. That Section 54-3003, Idaho Code, be, and the same is hereby amended to read as follows:

54-3003. QUALIFICATIONS -- EXAMINATIONS -- BOARD -- CERTIFICATES OF REGISTRATION -- FEES -- RECIPROCITY -- EXEMPTIONS -- INDIVIDUALS, PARTNERSHIPS AND CORPORATIONS -- RESTRICTION ON USE OF NAME -- SEAL. (a) Application and practice. In order to safeguard human health and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice landscape architecture for hire, shall be required to submit evidence that he is qualified to so practice and shall be registered under the provisions of this act.

(b) Qualifications. For license as a landscape architect, evidence must be submitted to the board that the applicant:

(1) is eighteen (18) years of age or older;

(2) has, before admission to the examination, completed the course of study in and been graduated from a college or school of landscape architecture approved by the board. He shall also submit, before admission to the examination, evidence of actual practical experience in landscape architectural work of grade and character satisfactory to the board. Each complete year of study in such approved college or school of landscape architecture may be accepted in lieu of one (1) year of such experience, and the applicant must submit evidence of sufficient additional acceptable experience to total four (4) years of combined education and experience. In lieu of graduation from an accredited college or school of landscape architecture, and the practical experience in addition thereto, an applicant may be admitted to the examination

upon presenting evidence of at least four (4) years of actual, practical experience in landscape architectural work of a grade and character satisfactory to the board.

(c) Examinations. Examinations for the license shall be held by the board at least once each year, provided that applications shall have been received during the time announced. The board shall adopt rules and regulations covering the subjects and scope of the examinations at the times designated. Every applicant for license as a landscape architect shall be required, in addition to all other requirements, to establish by written examination his competency to plan, design, specify, and supervise the installation of landscape projects. Each written examination may be supplemented by such oral examinations as the board may determine.

(d) The board. There is hereby created in the department of self-governing agencies an Idaho state board of landscape architects. The board shall consist of three (3) landscape architects. Members of the board shall be appointed by the governor and must be residents of this state, have the qualifications of landscape architects required by this act, and after the initial board is organized be licensed hereunder. The terms of the members of the board first appointed shall expire as follows:

Two (2) members two (2) years later, one (1) member three (3) years later. Thereafter, appointments shall be for four (4) year terms. Each member shall hold office until the appointment and qualification of his successor. Vacancies occurring prior to the expiration of the term shall be filled by appointment in like manner for the unexpired term. No member shall serve more than eight (8) consecutive years. The board may by written agreement authorize the bureau of occupational licenses to act as agent in its interest, and shall have the power to make such rules and regulations as shall be necessary in the performance of its duties. The board shall elect, at its first meeting of every calendar year, from its members, a president, and a secretary who may or may not be a member of the board. The secretary shall hold such office at the pleasure of the board and shall receive a salary fixed by the board. In carrying out the provisions of this act, all members of the board shall be compensated as provided by section 59-509(~~b~~g), Idaho Code. Payment of travel and other expenses shall be made from the occupational licenses fund.

(e) Revenue. Certificates of registration shall expire on the last day of June following their issuance or renewal. Renewal may be effected during the month of June by payment to the board of the required fee.

(1) In case any registrant fails to pay the renewal fee before thirty (30) days after the due date, the renewal fee shall be the current fee plus an amount set by the board; provided, that any registrant in good standing, upon fully retiring from landscape architectural practice, may withdraw from practice by giving written notice to the board and may thereafter resume practice at any time upon payment of the then current renewal fee. Any registrant, other than a properly withdrawn licensee, who fails to renew his registration for a period of one (1) year may be reinstated only on reexamination as is required for new registrants, or reciproc-

ity. The board shall issue a receipt to each landscape architect promptly upon payment of the annual license fee.

(2) Amounts. The amount of fees shall be as determined by the board within the following stated limits:

(A) The application fee ~~for--investigation~~ not to exceed fifty dollars ($50.00).

(B) The fee for examination not to exceed ~~fifty~~ two hundred dollars ($~~50.00~~200).

(C) The fee for an original certificate not to exceed thirty dollars ($30.00).

(D) The fee for a duplicate certificate not to exceed twenty dollars ($20.00).

(E) The annual license fee not to exceed eighty dollars ($80.00).

(3) Refund. Fees shall be nonrefundable.

(4) Deposit. All fees received under the provisions of this act shall be deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred by the board under the provisions of this act shall be a charge against and paid from said fund for such purposes, and the funds collected hereunder shall be immediately available for the administration of this act, the provisions of any other law notwithstanding. In no instance will the occupational licenses fund be obligated to pay any claims which in aggregate with claims already paid exceed the income to the occupational licenses fund which has been derived by the application of this act.

(5) Appropriation. The money paid into the occupational licenses fund is continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and in carrying out and enforcing the provisions of this act.

(f) Reciprocal provisions. The board may certify for registration without limited examination an applicant who is legally registered as a landscape architect in any other state or country whose requirements for registration are at least substantially equivalent to the requirements of this state ~~and which extends the same privilege of reciprocity to landscape architects registered in this state~~.

(g) Exemptions. (1) None of the provisions of this act shall prevent employees of those lawfully practicing as landscape architects from acting under the instruction, control or supervision of their employers.

(2) None of the provisions of this act shall apply to the business conducted in this state by any horticulturist, nurseryman, or landscape nurseryman, gardener, landscape gardener, landscape designer, or landscape contractor, as these terms are generally used, or any other person, including, but not limited to, their right to plan and supervise in connection therewith, except that no such person shall use the designation "landscape architect," "landscape architecture," or any description tending to convey the impression that he is a registered landscape architect unless he is registered as provided in this act.

(3) This act shall not apply to architects, professional engineers, geologists, and land surveyors, licensed to practice their

respective professions.

(h) Act applies to natural persons only.

(1) All certificates of registration shall be issued to natural persons only but nothing contained in this act shall prevent a duly registered landscape architect from performing his services for a corporation, firm, partnership, or association.

(2) Partners. Each partner in a partnership of landscape architects shall be registered to practice. Subject to this requirement, a partnership of landscape architects may use a partnership name if such name consists of:

(A) The names of two (2) or more landscape architects.

(B) The names of one ~~(1)~~ or more landscape architects and one ~~(1)~~ or more professional engineers, architects, or planners.

(3) Any person applying to the licensing official of any county or city for a business license to practice landscape architecture shall at the time of such application exhibit to such licensing official satisfactory evidence under the seal of the board and the hand of its secretary that such applicant possesses a current registration. The license shall not be granted until such evidence is presented, any contrary provision of any special act or general act notwithstanding.

(i) Qualifications for practice--seal:

(1) No person shall use the designation "landscape architect" or "landscape architecture," or advertise any title or description tending to convey the impression that he is a landscape architect, or practicing landscape architecture, unless such person is a registered landscape architect. Every holder of a registration certificate shall display it in his principal office, place of business, or place of employment.

(2) Every landscape architect shall have a seal approved by the board, which shall contain the name of the landscape architect and the words "Registered Landscape Architect, State of Idaho," and such other words or figures as the board may deem necessary and prescribe. All drawings and title pages of specifications, prepared by such landscape architect or under the supervision of such landscape architect, shall be stamped with the aforesaid seal. Nothing contained herein shall be construed to permit the seal of ~~the~~ a landscape architect to serve as a substitute for the seal of a licensed architect, a licensed professional engineer or a licensed land surveyor.

Approved March 14, 1986.

CHAPTER 54
(H.B. No. 460)

AN ACT

RELATING TO STATISTICAL REPORTING OF INSURANCE CARRIERS; AMENDING SECTION 41-336A, IDAHO CODE, TO REQUIRE INSURANCE CARRIERS TO

REPORT THEIR IDAHO EXPERIENCE AND OVERALL EXPERIENCE SEPARATELY, TO AUTHORIZE THE DIRECTOR TO PROVIDE FOR FORMS AND INFORMATION BY RULES AND REGULATIONS, AND TO ALLOW THE DIRECTOR TO COMPILE STATISTICS AND PREPARE REPORTS; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-336B, IDAHO CODE, TO REQUIRE AN INSURER TO SUBMIT A DISPOSITION OF CLAIMS REPORT FOR CERTAIN TYPES OF CLAIMS, TO REQUIRE THE REPORTS BE MADE PUBLIC, AND TO PROVIDE IMMUNITY FROM SUIT FOR INSURERS AND THE DEPARTMENT FOR ACTIONS TAKEN PURSUANT TO THE SECTION; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-336C, IDAHO CODE, TO PROVIDE PENALTIES FOR FAILURE TO REPORT; AND AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-336D, IDAHO CODE, TO PROVIDE FOR FEES AND MISCELLANEOUS CHARGES FOR THE ADMINISTRATION OF THE PROVISIONS OF SECTIONS 41-336A, 41-336B AND 42-336C, IDAHO CODE.

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

SECTION 1. That Section 41-336A, Idaho Code, be, and the same is hereby amended to read as follows:

41-336A. STATISTICAL REPORTS. (1) As a condition of doing business in the state of Idaho each insurer transacting insurance covering:

(a) Liability for malpractice of any person licensed under chapter 18, title 54, Idaho Code;

(b) Liability for malpractice of any person licensed under chapter 1, title 3, Idaho Code;

(c) Liability for the manufacture, design, production, processing or modification of any product; or

(d) Any other risk or risks, whether liability or otherwise, that the director of the department of insurance may specify;

shall report to the director such statistics as the director may designate by rule or regulation. The statistics shall be reported to the director annually, by the first day of March, for the preceeding year ending December 31. <u>The statistics shall separately address the experience of the state of Idaho and all other experience including the state of Idaho.</u>

(2) The reports required by subsection (1) above shall include, but shall not be limited to, the following for each insurer for each type of insurance for which a report is required:

(a) Number of exposures;

(b) Direct premiums written;

(c) Direct premiums earned;

(d) Direct losses paid
  (i) amount,
  (ii) number of claims;

(e) Direct losses incurred;

(f) Direct losses unpaid
  (i) amount reported,
  (ii) number of claims; and

(g) Net losses incurred but not reported.

(3) Reports required by subsection (1) of this section shall be made on forms required by the director and shall contain the information required by rule and regulation of the director.

(4) The director may annually compile and review all reports submitted under the provisions of this section. When reports are submitted representing no less than seventy-five percent (75%) of the premiums written for each reporting line of insurance for the reporting year, the director shall evaluate the premium rates in Idaho for each reporting line of insurance. The findings of such review and evaluation, and the reports required of insurers under this section, shall be made available to any interested citizen, insured or licensed insurer.

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 41-336B, Idaho Code, and to read as follows:

41-336B. DISPOSITION OF CLAIMS REPORT. (1) As a condition of doing business in the state of Idaho, each insurer transacting insurance subject to the provisions of section 41-336A, Idaho Code, shall report to the director annually by the first day of March, for each of the two (2) years next preceding the initial report and for one (1) year next preceding filing the report thereafter for each and every claim as defined in section 41-336A, Idaho Code, caused by the insured, for policies issued in the state of Idaho, if the claim resulted in:

(a) A final judgment in any amount;

(b) A settlement in any amount;

(c) A final disposition not resulting in payment on behalf of the insured.

(2) Reports required in subsection (1) of this section shall be made on forms required by the director and shall contain the information required by rule and regulation of the director.

(3) The director shall make reports required hereunder available to the public in a manner which will not reveal the names of any person, manufacturer or seller involved.

(4) There shall be no liability on the part of, and no cause of action shall arise against, any insurer reporting hereunder or its agents or employees, or the director or employees of the state, for any action taken by them in good faith compliance with the provisions of this section.

SECTION 3. 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 41-336C, Idaho Code, and to read as follows:

41-336C. FAILURE TO COMPLY -- PENALTIES. (1) Any insurance company required to file a report with the director under sections 41-336A or 41-336B, Idaho Code, which neglects to file such report in the form prescribed and within the time specified, or who neglects to

fully and satisfactorily respond in any report timely filed, shall be subject to a penalty of one hundred dollars ($100) for each day in default.

(2) This penalty shall be in addition to any administrative penalty under section 41-327, Idaho Code.

SECTION 4. 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 41-336D, Idaho Code, and to read as follows:

41-336D. FEES AND MISCELLANEOUS CHARGES. The director shall include within the regulation required in section 41-401, Idaho Code, the fees and miscellaneous charges required for the administration of the provisions of sections 41-336A, 41-336B and 41-336C, Idaho Code.

Approved March 19, 1986.

CHAPTER 55
(H.B. No. 435)

AN ACT

RELATING TO THE UNIFORM COMMON TRUST FUND ACT; AMENDING SECTION 68-701, IDAHO CODE, TO PERMIT INVESTMENTS IN COMMON TRUST FUNDS BY BANKS OR TRUST COMPANIES WHEN SUCH TRUST FUNDS ARE ADMINISTERED BY THE BANKS OR TRUST COMPANIES OR AFFILIATED BANKS AND TRUST COMPANIES AND TO PROVIDE A DEFINITION OF AFFILIATED BANKS OR TRUST COMPANIES.

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

SECTION 1. That Section 68-701, Idaho Code, be, and the same is hereby amended to read as follows:

68-701. ESTABLISHMENT OF COMMON TRUST FUNDS. (1) Any bank or trust company, state or national, qualified to act as fiduciary in this state may establish common trust funds for the purpose of furnishing investments to itself as fiduciary, to an affiliated bank or trust company as fiduciary, or to itself or an affiliated bank or trust company and others, as co-fiduciaries; and may, as such fiduciary, affiliate of a fiduciary or co-fiduciary, or co-fiduciary, invest funds which it lawfully holds for investment in interests in such common trust funds administered by itself or by any affiliated bank or trust company, if such investment is not prohibited by the instrument, judgment, decree, or order creating such fiduciary relationship, and if, in the case of co-fiduciaries, the bank or trust company procures the consent of its co-fiduciaries to such investment.

(2) For purposes of this section, two (2) or more banks or trust companies are affiliated if they are members of the same affiliated

group, within the meaning of section 1504 of the United States internal revenue code, as amended, whether the affiliate's principal place of business is within or without the state of Idaho.

Approved March 19, 1986.

CHAPTER 56
(H.B. No. 364)

AN ACT
RELATING TO PROPERTY EXEMPT FROM TAXATION; AMENDING SECTION 63-105DD, IDAHO CODE, TO CHANGE THE CERTIFICATION DATE OF THE HOMEOWNER'S EXEMPTION TO APRIL 15.

Be It Enacted by the Legislature 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 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.

(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 as of January 1;

(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~~ April 15 that:

(i) He is making application for the exemption allowed by this section;

(ii) That the residential improvements are his primary dwelling place; and

(iii) 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) 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) The legislature declares that this exemption is necessary and just.

Approved March 19, 1986.

CHAPTER 57
(H.B. No. 402, As Amended in the Senate)

AN ACT

RELATING TO THE SURPLUS REQUIRED BY AN INSURER TRANSACTING INSURANCE; AMENDING SECTION 41-313, IDAHO CODE, TO PROVIDE THAT AN INSURER MUST MAINTAIN THE REQUIRED FUNDS IN SURPLUS AFTER AUTHORITY IS GRANTED; AND AMENDING SECTION 41-316, IDAHO CODE, TO REQUIRE AN ADDITIONAL DEPOSIT FROM CERTAIN INSURERS.

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

SECTION 1. That Section 41-313, Idaho Code, be, and the same is hereby amended to read as follows:

41-313. CAPITAL FUNDS REQUIRED -- FOREIGN INSURERS AND NEW DOMESTIC INSURERS. (1) To qualify for authority to transact any one (1) kind of insurance (as defined in chapter 5) or combination of kinds of insurance as shown below, a foreign insurer, or a domestic insurer applying for its original certificate of authority in this state, or any insurer reapplying for a certificate of authority in this state after having withdrawn from this state for any cause, shall possess and thereafter maintain unimpaired paid-up capital stock (if a stock insurer) or unimpaired basic surplus (if a ~~foreign~~ mutual insurer or ~~foreign~~ reciprocal insurer), and shall possess ~~when--first--so authorized~~ <u>and thereafter maintain</u> additional funds in surplus as follows:

Kind or kinds of insurance	Paid-up capital stock or basic surplus	Additional surplus
Life	$400,000	$400,000
Disability	400,000	400,000
Life and disability	500,000	500,000
Property	400,000	400,000
General casualty	500,000	500,000
Marine and transportation	450,000	450,000
Vehicle	400,000	400,000
Surety	500,000	500,000
Any two of the following kinds of insurance: Property, marine and transportation, general casualty, vehicle, surety,		

disability	550,000	550,000
Title	100,000	100,000
Multiple lines (all insurance except life and title insurance)	650,000	650,000

(2) ~~A domestic insurer or county mutual holding a valid certificate of authority to transact insurance in this state immediately prior to the effective date [May 28, 1969] of this act may, if otherwise qualified therefor, continue to be so authorized while possessing the amount of paid-up capital stock (if a stock insurer) or surplus (if a mutual insurer) required by the laws of this state for such authority immediately prior to such effective date.~~ An insurer holding a valid certificate of authority to transact insurance in this state immediately prior to the effective date of this act, shall have a period of two (2) years from and after such effective date within which to comply with any (increase in) additional surplus requirements. The director shall not grant such an insurer authority to transact any other or additional kinds of insurance unless it then fully complies with the requirements as to paid-up capital stock and additional surplus (if a stock insurer) or basic surplus and additional surplus (if a mutual or foreign reciprocal insurer) as applied to all the kinds of insurance which it then proposes to transact~~, as provided by this section for like foreign insurers applying for original certificates of authority under this code.~~

(3) Capital and surplus requirements are based upon all the kinds of insurance transacted by the insurer in any and all areas in which it operates or proposes to operate, whether or not only a portion of such kinds are to be transacted in this state.

(4) ~~If within three (3) years after date of its initial certificate of authority in this state such an insurer requests authority to transact an additional kind or kinds of insurance, it shall not be so authorized unless it then possesses basic surplus or additional surplus in such an amount as would be required under this section as for an original certificate of authority covering all the kinds of insurance the insurer then proposes to transact.~~

~~(5)~~ As to surplus required for qualification to transact one or more kinds of insurance and thereafter to be maintained, domestic mutual insurers hereafter formed are ~~governed by~~ also subject to chapter 28 of this code and domestic reciprocal insurers hereafter formed are ~~governed by~~ also subject to chapter 29.

SECTION 2. That Section 41-316, Idaho Code, be, and the same is hereby amended to read as follows:

41-316. DEPOSIT -- GENERAL REQUIREMENT. (1) This section shall apply as to all insurers other than title insurers.

(2) The director shall not authorize any insurer to transact insurance in this state unless it makes and thereafter maintains in trust in this state through the director for the protection of all its policyholders or of all its policyholders and creditors, a deposit of cash or securities eligible for deposit under section 41-803, Idaho Code, in the amount of two hundred thousand dollars ($200,000), except

that:

(a) Insurers authorized to transact insurance and transacting insurance immediately prior to the effective date of this code, shall have a period of two (2) years from and after such effective date within which to comply with any deposit required under this section.

(b) As to foreign insurers, in lieu of such Idaho deposit, the director shall accept the certificate in proper form of the public official having supervision over insurers in any other state that:

(i) A like deposit by such insurer is being maintained in public custody or control for the protection generally of the insurer's policyholders or its policyholders and creditors;

(ii) The insurer is a member in good standing of such state's insurance guaranty association or other legal entity created for the same purpose;

(iii) If a life or health insurer, such guaranty association does and shall provide protection for Idaho policyholders and creditors.

(c) As to alien insurers, in lieu of such deposit or part thereof in this state, the director shall accept evidence satisfactory to him that the insurer maintains within the United States by way of trust deposits with public depositaries, or in trust institutions acceptable to the director, assets available for discharge of its United States insurance obligations, which assets shall be in amount not less than the outstanding liabilities of the insurer arising out of its insurance transactions in the United States together with a surplus equal to the larger of the following sums:

(i) The largest deposit required by this code to be made by a foreign insurer transacting like kinds of insurance~~,~~; or

(ii) Three hundred thousand dollars ($300,000). Such surplus shall for all purposes under this code be deemed to be the "capital" or "surplus" of the insurer.

(3) Deposits of foreign or alien insurers in another state shall be in cash and/or securities of substantially as high quality as those eligible for deposit in this state under section 41-803, Idaho Code.

(4) All such deposits in this state are subject to the applicable provisions of chapter 8 (administration of deposits), title 41, Idaho Code.

(5) Any insurer which requires that its agents maintain a separate trust account for transactions involving that insurer shall make and thereafter maintain in trust in this state, through the director, for the protection of all its policyholders and agents, a deposit of cash or securities eligible for deposit under section 41-803, Idaho Code, in the amount of twenty per cent (20%) of its gross written premiums, upon which such insurer is subject to the premium tax of this state under section 41-402, Idaho Code.

Approved March 19, 1986.

CHAPTER 58
(H.B. No. 434)

AN ACT

RELATING TO A BANK PURCHASING ITS OWN CAPITAL STOCK; AMENDING SECTION 26-702, IDAHO CODE, TO PROVIDE THAT CERTAIN RESTRICTIONS ON A BANK IN DEALING WITH ITS OWN CAPITAL STOCK SHALL NOT APPLY IF THE DIRECTOR OF THE DEPARTMENT OF FINANCE MAKES CERTAIN FINDINGS AND GIVES WRITTEN APPROVAL.

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

SECTION 1. That Section 26-702, Idaho Code, be, and the same is hereby amended to read as follows:

26-702. BANK STOCK. (1) Except as provided in subsection (2) of this section, nNo bank shall accept as collateral, nor make any loans or discounts on the security of nor purchase any shares of its own capital stock. No bank shall purchase the shares of any other bank wherever organized, or situated, except stock of federal reserve banks. A bank may acquire a security interest in or purchase its own stock if the acquisition is necessary to prevent loss upon a debt previously contracted in good faith and the stock so purchased or acquired shall within six (6) months from the date of acquirement be sold or disposed of at public or private sale. After the expiration of six (6) months any such stock shall not be considered as a part of the assets of such bank.

(2) With the written approval of the director, a bank may redeem or otherwise purchase a portion of its own capital stock if the director finds that such redemption or purchase does not impair the capital structure of the bank as required by section 26-205, Idaho Code, is not for an unreasonable price, does not conflict with the articles of incorporation or the bylaws of the bank, and is not otherwise detrimental to the bank or to the public interest, provided, however, (i) that a bank may not hold its capital stock so redeemed or purchased for a period longer than twelve (12) months from the date of such redemption or purchase, and (ii) a bank shall not retain at any one time a total number of shares of its capital stock so redeemed or purchased in excess of seven per cent (7%) of the total number of shares of its capital stock then issued and outstanding.

Approved March 19, 1986.

CHAPTER 59
(H.B. No. 668)

AN ACT

RELATING TO THE COMMISSION OF PARDONS AND PAROLE; AMENDING CHAPTER 2, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-213A, IDAHO CODE, TO REQUIRE THE COMMISSION TO HOLD ALL MEETINGS IN

ACCORDANCE WITH THE OPEN MEETING LAW, TO PROVIDE EXCEPTIONS FOR DELIBERATIONS AND DECISIONS CONCERNING PAROLES, TO REQUIRE THE COMMISSION TO PRODUCE A VOTING RECORD FOR EACH COMMISSIONER, TO REQUIRE THE VOTING RECORD BE KEPT CONFIDENTIAL, TO AUTHORIZE DISTRIBUTION OF THE VOTING RECORD ONLY TO THE GOVERNOR AND THE CHAIRMEN OF THE HOUSE AND SENATE JUDICIARY AND RULES COMMITTEES, TO PROVIDE PENALTIES, AND TO PROVIDE THAT THE RESULTS OF PAROLE DECISIONS BE MADE PUBLIC UPON REQUEST; AND AMENDING SECTION 67-2345, IDAHO CODE, TO ALLOW THE COMMISSION OF PARDONS AND PAROLE TO MEET IN EXECUTIVE SESSION AS PROVIDED BY LAW; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 2, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-213A, Idaho Code, and to read as follows:

20-213A. COMPLIANCE WITH OPEN MEETING LAW -- EXECUTIVE SESSIONS AUTHORIZED -- REPORT REQUIRED. (1) All meetings of the commission of pardons and parole shall be held in accordance with the open meeting law as provided in chapter 23, title 67, Idaho Code, except:

(a) Deliberations and decisions concerning the granting, revoking, reinstating or refusing of paroles, may be made in executive session; and

(b) Votes of individual members in arriving at the parole decisions shall not be made public, provided that the commission shall maintain a record of the votes of the individual members as required in subsection (2) of this section.

(2) A written record of the vote to grant or deny parole by each commission member in each case reviewed by that member shall be produced by the commission. The record produced by the commission pursuant to this section shall be kept confidential and privileged from disclosure, provided the record shall be made available, upon request, to the governor and the chairman of the senate judiciary and rules committee and the chairman of the house of representatives judiciary, rules and administration committee, for all lawful purposes. Distribution of the report by a commissioner or an employee of the commission to any person not an employee of the commission and not specifically listed in this section shall be a misdemeanor.

(3) Nothing contained in this section shall prevent any person from obtaining the results of any parole action by the commission without reference to the manner in which any member voted, and the commission shall make such information public information.

SECTION 2. That Section 67-2345, Idaho Code, be, and the same is hereby amended to read as follows:

67-2345. EXECUTIVE SESSIONS -- WHEN AUTHORIZED. (1) Nothing contained in this act shall be construed to prevent, upon a two-thirds (2/3) vote recorded in the minutes of the meeting by individual vote,

a governing body of a public agency from holding an executive session during any meeting, after the presiding officer has identified the authorization under this act for the holding of such executive session. An executive session may be held:

(a) ~~t~~To consider hiring a public officer, employee, staff member or individual agent. This paragraph does not apply to filling a vacancy in an elective office;

(b) ~~t~~To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public school student;

(c) ~~t~~To conduct deliberations concerning labor negotiations or to acquire an interest in real property which is not owned by a public agency;

(d) ~~t~~To consider records that are exempt by law from public inspection;

(e) ~~t~~To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations;

(f) ~~t~~To consider and advise its legal representatives in pending litigation or where there is a general public awareness of probable litigation;

(g) By the commission of pardons and parole, as provided by law.

(2) Labor negotiations may be conducted in executive session if either side requests closed meetings. Notwithstanding the provisions of section 67-2343, Idaho Code, subsequent sessions of the negotiations may continue without further public notice.

(3) No executive session may be held for the purpose of taking any final action or making any final decision.

SECTION 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 19, 1986.

CHAPTER 60
(S.B. No. 1266, As Amended)

AN ACT

RELATING TO THE STATE ENVIRONMENTAL PROTECTION AND HEALTH ACT; AMENDING SECTION 39-101, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING SECTION 39-108, IDAHO CODE, TO ALLOW INVESTIGATIONS CONCERNING VIOLATIONS OF A RULE, REGULATION, PERMIT OR ORDER PROMULGATED PURSUANT TO THE STATE ENVIRONMENTAL PROTECTION AND HEALTH ACT, TO PROVIDE PROCEDURES FOR THE CONDUCT OF INVESTIGATIONS AND INSPECTIONS, TO PROVIDE FOR THE ISSUANCE OF AN ADMINISTRATIVE SEARCH WARRANT BY A DISTRICT COURT, TO PROVIDE PROCEDURES WHEN THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE DETERMINES THAT A

PERSON HAS VIOLATED A PROVISION OF THE STATE ENVIRONMENTAL PROTECTION AND HEALTH ACT OR ANY RULE, REGULATION, PERMIT OR ORDER ISSUED OR PROMULGATED PURSUANT TO THE ACT, TO PROVIDE A TIME LIMIT FOR THE COMMENCEMENT OF ACTIONS, TO PROVIDE CIVIL PENALTIES FOR VIOLATORS NOT TO EXCEED TEN THOUSAND DOLLARS PER VIOLATION OR ONE THOUSAND DOLLARS FOR EACH DAY OF A CONTINUING VIOLATION, WHICHEVER IS GREATER, TO PROVIDE THAT VIOLATORS SHALL BE LIABLE FOR ANY EXPENSE INCURRED BY THE STATE IN ENFORCING THE ENVIRONMENTAL PROTECTION AND HEALTH ACT, OR IN ENFORCING OR TERMINATING ANY NUISANCE, SOURCE OF ENVIRONMENTAL DEGRADATION, CAUSE OF SICKNESS OR HEALTH HAZARD, TO PROVIDE THAT VIOLATORS SHALL NOT BE RELIEVED FROM CIVIL LIABILITY BECAUSE OF ACTIONS TAKEN UNDER THE ENVIRONMENTAL PROTECTION AND HEALTH ACT, AND TO PROVIDE A PROCESS FOR OBTAINING AN IMMEDIATE INJUNCTION WHEN AN EMERGENCY CREATING CONDITIONS OF IMMINENT AND SUBSTANTIAL DANGER TO THE PUBLIC HEALTH OR ENVIRONMENT OCCURS; REPEALING SECTION 39-109, IDAHO CODE; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-109, IDAHO CODE, TO PROVIDE FOR THE COMMENCEMENT OF CIVIL ENFORCEMENT ACTIONS AND TO AUTHORIZE CRIMINAL ENFORCEMENT PROCEEDINGS; AMENDING SECTION 39-110, IDAHO CODE, TO PERMIT THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE TO ORDER REGISTRATION OF PERSONS ENGAGED IN CERTAIN OPERATIONS; AMENDING SECTION 39-111, IDAHO CODE, TO PROVIDE FOR THE RELEASE OF DOCUMENTS CLAIMED CONFIDENTIAL IF THE INFORMATION IS REQUIRED FOR PROSECUTION OF A VIOLATION OF THE ENVIRONMENTAL PROTECTION AND HEALTH ACT OR A RULE, REGULATION, PERMIT OR ORDER PROMULGATED THEREUNDER; AMENDING SECTION 39-116, IDAHO CODE, TO PROVIDE COMPLIANCE SCHEDULE ORDERS ARE ENFORCEABLE, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 39-117, IDAHO CODE, TO INCREASE THE MAXIMUM CRIMINAL FINE FOR VIOLATION OF ENVIRONMENTAL LAWS TO TEN THOUSAND DOLLARS, OR TO PROVIDE A FINE OF ONE THOUSAND DOLLARS PER DAY FOR CONTINUING VIOLATIONS; AND AMENDING SECTION 39-118, IDAHO CODE, TO PROVIDE THAT PLANS AND SPECIFICATIONS SHALL CONFORM IN STYLE AND QUALITY TO REGULARLY ACCEPTED ENGINEERING STANDARDS, TO PROVIDE THAT THE BOARD OF HEALTH AND WELFARE MAY REQUIRE THAT CERTAIN TYPES OF PLANS AND SPECIFICATIONS MUST BE CERTIFIED BY REGISTERED PROFESSIONAL ENGINEERS, AND TO PROVIDE FOR WAIVER OF THE SUBMITTAL OR APPROVAL REQUIREMENT.

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

SECTION 1. That Section 39-101, Idaho Code, be, and the same is hereby amended to read as follows:

39-101. SHORT TITLE. ~~This--act~~ Sections 39-101 through 39-130, Idaho Code, may be known and cited as the "Idaho Environmental Protection and Health Act ~~of 1972~~."

SECTION 2. That Section 39-108, Idaho Code, be, and the same is hereby amended to read as follows:

39-108. INVESTIGATION -- INSPECTION -- RIGHT OF ENTRY --

VIOLATION -- ~~NOTICE------COMPLAINT-----HEARING----ORDERS-AND-CONSENT DECREES~~ ENFORCEMENT -- PENALTY -- INJUNCTIONS. 1. The director shall cause investigations to be made upon the request of the board or upon receipt of information concerning an alleged violation of this act or of any rule ~~or~~, regulation, permit or order promulgated thereunder, and may cause to be made such other investigations as ~~he~~ the director shall deem advisable.

2. For the purpose of enforcing any provision of this chapter or any rule or regulation authorized in this chapter, t~~T~~he director or ~~his~~ the director's designee shall have the authority to:

a. Conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential health hazards, air contamination sources, water pollution sources, noise sources, and of solid waste disposal sites;

b. Enter at all reasonable times upon any private or public property, upon presentation of appropriate credentials, for the purpose of inspecting or investigating to ascertain possible violations of this act or of rules, ~~standards and~~ regulations, permits or orders adopted and promulgated by the director or the board;

~~3.--If-an-investigation-discloses-that-there-is-a-reasonable-basis for--believing--that--a-violation-exists,-the-director-or-his-designee shall-issue-and-serve-upon-the-person-complained--against,--a--written notice,--together--with--a--formal--complaint,-which-shall-specify-the provision-of-this-law-or-the--rule--or--regulation--under--which--said person--is--said-to-be-in-violation,-and-a-statement-of-the-manner-in, and-the-extent-to,-which-such-person-is-said-to-violate--this--law--or rule-or-regulation,-and-shall-require-the-person-so-complained-against to-answer-the-charges-of-such-formal-complaint-at-a-hearing-before-the board--or-a-designated-hearing-officer-at-a-time-not-less-than-twenty-one-(21)-days-after-the-date-of-notice.-A-copy-of-such-notice-and-complaint-shall-also-be-sent-to-any-person--who--has--complained--to--the department--respecting--the--respondent-within-the-six-(6)-months-preceding-the-date-of-the-complaint,-and-to--any--person--in--the--county where--the--alleged--offense--occurred--who--has--requested--notice-of enforcement-proceedings;-twenty-one-(21)-days'-notice-of-such--hearing shall--also-be-published-in-a-newspaper-of-general-circulation-in-such county.-The-respondent-may-file-a-written-answer-and-at--such--hearing the-rules-prescribed-in-this-act-shall-apply.~~

~~4.--After-due-consideration-of-the-written-and-oral-statements-and the-testimony-and-arguments-that-shall-be-submitted-at-the-hearing,-or upon--default-in-appearance-of-the-respondent-on-the-return-day-specified-in-the-notice,-the-board-shall-issue,-enter-or--make--such--final determination--by--order,-including-but-not-limited-to-orders-to-abate sources-of-air-or-water-pollution,-as-it-shall-deem-appropriate--under the-circumstances.-If-the-hearing-is-before-a-designated-hearing-officer,--the--hearing-officer-shall-submit-a-proposed-decision,-including proposed-findings-of-fact,-to-the-board.-The-board-shall-give-due-consideration-to-the-proposed-findings-and-decision-as-well-as-the--transcript--of--the-hearing.-In-all-such-matters,-the-board-shall-file-and publish-a-written-opinion-stating-the-facts-and-the-reasons-leading-to its-decision.-The-board-shall-immediately--notify--the--respondent--of such-order-in-writing-by-registered-mail.~~

~~5.--If--such--preventive--or--corrective-measures-are-not-taken-in accordance-with-the-order-of-the-board,-the-director-may--institute--a civil--action-in-any-court-of-competent-jurisdiction-for-injunctive-or mandamus-relief-to-prevent-any-further-violation-of-such--order,--rule or--regulation.--The--district--court--in-and-for-the-county-where-the violation-occurred-shall-have-power-to-grant--the--relief--asked--for, upon-notice-and-hearing.~~

c. All inspections and investigations 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 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.

d. Any district court in and for the county in which the subject property is located is authorized to issue a search warrant to the director upon a showing of (i) probable cause to suspect a violation, or (ii) the existence of a reasonable program of inspection. Any search warrant issued under the authority of this chapter shall be limited in scope to the specific purposes for which it is issued and shall state with specificity the manner and the scope of the search authorized.

3. Whenever the director determines that any person is in violation of any provision of this act or any rule, regulation, permit or order issued or promulgated pursuant to this act, the director may commence either of the following:

a. Administrative Enforcement Action

i. Notice. The director may commence an administrative enforcement action by issuing a written notice of violation. The notice of violation shall identify the alleged violation with specificity, shall specify each provision of the act, rule, regulation, permit or order which has been violated, and shall state the amount of civil penalty claimed for each violation. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the director or the director's designee in a compliance conference concerning the alleged violation. A written response may be required within fifteen (15) days of receipt of the notice of violation by the person to whom it is directed.

ii. Scheduling compliance conference. If a recipient of a notice of violation contacts the department within fifteen (15) days of the receipt of the notice, the recipient shall be entitled to a compliance conference. The conference shall be held within twenty (20) days of the date of receipt of the notice, unless a later date is agreed upon between the parties. If a compliance conference is not requested, the director may proceed with a civil enforcement action as provided in paragraph b. of this subsection.

iii. Compliance conference. The compliance conference shall provide an opportunity for the recipient of a notice of

violation to explain the circumstances of the alleged violation and, where appropriate, to present a proposal for remedying damage caused by the alleged violation and assuring future compliance.

iv. Consent order. If the recipient and the director agree on a plan to remedy damage caused by the alleged violation and to assure future compliance, they may enter into a consent order formalizing their agreement. The consent order may include a provision providing for payment of any agreed civil penalty.

v. Effect of consent order. A consent order shall be effective immediately upon signing by both parties and shall preclude any civil enforcement action for the same alleged violation. If a party does not comply with the terms of the consent order, the director may seek and obtain, in any appropriate district court, specific performance of the consent order and such other relief as authorized in this chapter.

vi. Failure to reach consent order. If the parties cannot reach agreement on a consent order within sixty (60) days after the receipt of the notice of violation or if the recipient does not request a compliance conference as per subsection a.(ii) of this section, the director may commence and prosecute a civil enforcement action in district court, in accordance with subsection b. of this section.

b. Civil enforcement action. The director may initiate a civil enforcement action through the attorney general as provided in section 39-109, Idaho Code. Civil enforcement actions shall be commenced and prosecuted in the district court in and for the county in which the alleged violation occurred, and may be brought against any person who is alleged to have violated any provision of this act or any rule, regulation, permit or order which has become effective pursuant to this act. Such action may be brought to compel compliance with any provision of this act or with any rule, regulation, permit or order promulgated hereunder and for any relief or remedies authorized in this act. The director shall not be required to initiate or prosecute an administrative action before initiating a civil enforcement action.

4. No civil or administrative proceeding may be brought to recover for a violation of any provision of this chapter or a violation of any rule, regulation, permit 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.

~~6~~5. Any person determined ~~by the board~~ in a civil enforcement action to have violated any provision of this act or any rule ~~or~~, regulation, permit or order promulgated pursuant to this act shall be liable for a civil penalty not to exceed ~~one~~ ten thousand dollars ($10,000) per ~~day beginning with the tenth day after the expiration of the time fixed for the taking of the preventive or corrective measures in the board's order~~ violation or one thousand dollars ($1,000) for each day of a continuing violation, whichever is greater. The method

of recovery of said penalty shall be by a civil enforcement action in the district court in and for the county where the violation occurred. All civil penalties collected under this act shall be paid into the general fund of the state. Parties to an administrative enforcement action may agree to a civil penalty as provided in this subsection.

~~7~~6. In addition to such civil penalties, any person who has been determined to have violate~~d~~ the provisions of this act or the rules, regulations, permits or orders promulgated thereunder, shall be liable for any expense incurred by the state in enforcing the act, or in enforcing or terminating any nuisance, source of environmental degradation, cause of sickness, or health hazard.

~~8~~7. No action taken pursuant to the provisions of this act or of any other environmental protection or health law shall relieve any person from any civil action and damages that may exist for injury or damage resulting from any violation of this ~~law~~ act or of the rules ~~and~~, regulations, permits and orders promulgated ~~by--the--board~~ thereunder.

~~9.--The-board-may,-in-those-cases-where-the-person-has-given--evidence--of--a--willingness--to--cooperate-with-the-department,-permit-a person-against-whom-a-complaint-has-been-issued-to-waive--formal--proceedings-and-enter-into-a-consent-proceeding.-The-consent-decree-shall have-the-same-effect-as-an-order-by-the-board.~~

~~10~~8. In addition to, and n~~N~~otwithstanding other provisions of this act, in circumstances of emergency creating conditions of ~~immediate~~ imminent and substantial danger to the public health or environment, the prosecuting attorney or the attorney general may institute a civil action for an immediate injunction to halt any discharge, emission or other activity in violation of provisions of this act or rules ~~or~~, regulations, permits and orders promulgated thereunder. In such action the court may issue an ex parte restraining order.

SECTION 3. That Section 39-109, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-109, Idaho Code, and to read as follows:

39-109. COMMENCEMENT OF CIVIL ENFORCEMENT ACTIONS -- CRIMINAL ACTIONS AUTHORIZED -- DUTIES OF ATTORNEY GENERAL. Upon request of the board or the director, it shall be the duty of the attorney general to institute and prosecute civil enforcement actions or injunctive actions as provided in section 39-108, Idaho Code, and to prosecute actions or proceedings for the enforcement of any criminal provisions of this chapter. In addition, when deemed by the director to be necessary, the director may retain or employ private counsel. The attorney general may delegate the authority and duty under this section to prosecute criminal actions to the prosecuting attorney of the county in which such a criminal action may arise.

SECTION 5. That Section 39-110, Idaho Code, be, and the same is hereby amended to read as follows:

39-110. REGISTRATION OF PERSONS ENGAGED IN OPERATIONS OR CONSTRUCTION WHERE AIR POLLUTION IS A FACTOR -- REPORTS. The director or board may require the registration of persons engaged in operations which may result in air pollution, and of persons causing, permitting or allowing construction of any facility or new equipment capable of emitting air contaminants into the atmosphere, or designed to eliminate or reduce emissions into the atmosphere, and the filing of reports by them with the ~~board~~ department relating to locations, size of outlet, height of outlet, rate and period of emission and composition of effluent, and such other information as the director or board shall prescribe relative to air pollution.

SECTION 6. That Section 39-111, Idaho Code, be, and the same is hereby amended to read as follows:

39-111. REPORTS CONTAINING INFORMATION WHICH ADVERSELY AFFECT COMPETITIVE POSITIONS TO BE HELD CONFIDENTIAL. Any records or other information furnished to the board, director or a designated hearing officer concerning one or more air or water pollution sources, which records or information, as certified by the owner or operator, relate to production or sales figures or to processes or production unique to the owner or operator or which tend to affect adversely the competitive position of such owner or operator, shall be only for the confidential use of the board, director and hearing officer in the administration of this act, unless the board after hearing determines the claim of uniqueness or of adverse effect upon the competitive position of the owner or operator is unwarranted, or unless such owner or operator shall expressly agree to their publication or availability to the general public or unless the disclosure of such information is required for the prosecution of a violation of this act or a rule, regulation, permit or order promulgated thereunder.

SECTION 7. That Section 39-116, Idaho Code, be, and the same is hereby amended to read as follows:

39-116. COMPLIANCE SCHEDULES. The director shall have the authority to prepare for board approval compliance schedule orders to any person who is the source of any health hazard, air contaminant, water pollution, solid waste or noise for which regulatory standards have been established, including regulatory standards then in effect or to become effective at a future date or at future successive dates. The purpose of any compliance schedule order shall be to identify and establish appropriate acts and time schedules for interim actions by those persons who are or who will be affected by regulatory standards, such acts and schedules being designed to assure timely compliance by those affected by the regulatory standards. The director shall solicit the cooperation of the person to whom the compliance schedule order will be directed in the selection of the terms of such order. Any compliance schedule order when affirmed by the board ~~of--health--and~~

~~welfare~~ shall become a final order enforceable in the same manner as any order entered pursuant to section 39-108, Idaho Code.

SECTION 8. That Section 39-117, Idaho Code, be, and the same is hereby amended to read as follows:

39-117. VIOLATION -- PENALTY -- MISDEMEANOR. Any person who wilfully or negligently violates any of the provisions of the public health or environmental protection laws or the terms of any lawful notice, order, permit, standard, rule or regulation issued pursuant thereto, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than ~~three--hundred~~ ten thousand dollars ($~~3~~10,000) for each separate violation or one thousand dollars ($1,000) per day for continuing violations, whichever is greater. ~~Each-day-upon-which-such-violation-occurs-shall-constitute-a separate-violation.~~

SECTION 9. That Section 39-118, Idaho Code, be, and the same is hereby amended to read as follows:

39-118. REVIEW OF PLANS. 1. All plans and specifications for the construction of new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities, public water supply systems or public water treatment systems or for modification or expansion to existing sewage treatment plants or systems, waste treatment or disposal facilities, public water supply systems or public water treatment systems, shall be submitted to and approved by the department of health and welfare before construction may begin, and all construction shall be in compliance therewith. No deviation shall be made from the approved plans and specifications without the prior approval of the department. Within thirty (30) days of the completion of construction, alteration, or modification of any new sewage systems, sewage treatment plants or systems, other waste treatment or disposal facilities, public water supply systems or public water treatment systems, complete and accurate plans and specifications depicting the actual construction, alteration, or modification performed must be submitted to the department of health and welfare. If construction does not deviate from the original plans previously submitted for approval, a statement to that effect shall be filed with the department.

2. All plans and specifications submitted to satisfy the requirements of this section shall conform in style and quality to regularly accepted engineering standards. The board may require that certain types of plans and specifications must be certified by registered professional engineers. If the department determines that any particular facility or category of facilities will produce no significant impact on the environment or on the public health, the department shall be authorized to waive ~~this~~ the submittal or approval requirement for that facility or category of facilities.

Approved March 19, 1986.

CHAPTER 61
(S.B. No. 1354)

AN ACT

RELATING TO THE CREATION OF SCHOOL SUBDISTRICTS; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 33-351, 33-352, 33-353, 33-354 AND 33-355, IDAHO CODE, TO PROVIDE FOR THE CREATION OF SCHOOL SUBDISTRICTS, TO PROVIDE FOR AN ELECTION, TO PROVIDE ELECTION PROCEDURES; TO REQUIRE THE BOARD OF TRUSTEES OF THE DISTRICT TO ESTABLISH, NAME, AND DESCRIBE THE SUBDISTRICT AND TO GIVE NOTICE; TO DECLARE SUCH SUBDISTRICT A POLITICAL SUBDIVISION UNDER THE CONTROL OF THE BOARD OF TRUSTEES WHICH CREATED IT; TO ALLOW THE SUBDISTRICT TO ISSUE BONDS UPON VOTER APPROVAL AND TO SET LIMITS ON THE AMOUNT OF BONDS WHICH MAY BE ISSUED; AND TO ALLOW THE SUBDISTRICT TO IMPOSE A LEVY IF APPROVED BY THE VOTERS.

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

SECTION 1. That Chapter 3, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 33-351, 33-352, 33-353, 33-354 and 33-355, Idaho Code, and to read as follows:

33-351. SUBDISTRICTS -- AUTHORITY TO ESTABLISH -- ELECTION. The board of trustees of any school district which operates two (2) or more high schools may at any time, on its own motion or upon the filing with the board of trustees of a petition so requesting signed by not less than fifty (50) school electors, call an election to submit to the qualified electors of the school district the question of the creation of one or more school subdistricts. Such election shall be called, held and conducted pursuant to the provisions of chapter 4, title 33, Idaho Code. The proceedings calling such election shall set forth the boundaries of each proposed school subdistrict and shall provide for the submission of the question of the creation of each such school subdistrict to the qualified electors of the school district and to the qualified electors residing within the proposed boundaries of each such school subdistrict. No proposition for the creation of a school subdistrict shall be determined to have carried unless such proposition shall receive a majority of the votes cast on such proposition by the qualified electors residing within the boundaries of the school district and a majority of the votes cast on such proposition by the qualified electors residing within the boundaries of the proposed school subdistrict. Whenever the creation of more than one (1) school subdistrict is submitted at the same election, separate ballots and separate propositions shall be used in voting on the question of creating each school subdistrict.

33-352. ESTABLISHMENT. Whenever a proposition for the creation of a school subdistrict shall have been approved in the manner set forth in section 33-351, Idaho Code, the board of trustees of the school district shall enter in its minutes an order providing for the estab-

lishment and creation of the school subdistrict setting forth therein the legal description of the boundaries thereof and shall designate therein a name for such school subdistrict. Within ten (10) days after the entry of the order creating such school subdistrict, the board of trustees shall certify the fact of the creation of such school subdistrict to the state board of education and to the board of county commissioners of each county in which any part of the school subdistrict is located, by the filing of a certified copy of the order of the board of trustees creating and establishing the school subdistrict.

33-353. NATURE AND POWERS. Each school subdistrict created and established as provided in this act shall be a political subdivision of the state of Idaho. The board of trustees entering the order creating and establishing such school subdistrict shall be the governing body of all school subdistricts created by it, and shall possess the power to order, conduct and hold all elections in such school subdistricts for the purpose of incurring debt and issuing bonds and for the purpose of voting school plant facilities reserve fund levies.

33-354. INDEBTEDNESS -- BOND ISSUES. School subdistricts may incur debt and issue bonds for the purpose of acquiring, purchasing or improving a school site or sites, acquiring or constructing new school houses, remodeling existing buildings, constructing additions thereto, including all necessary furnishings and equipment, and all lighting, heating, ventilation, sanitation facilities and appliances necessary to operate the buildings of the new school subdistrict. The governing body of a school subdistrict may submit to the qualified electors of the school subdistrict the question of whether the governing body of the school subdistrict shall be empowered to issue negotiable bonds of the school subdistrict in an amount and for a period of time to be named in the notice of election. Notice of the bond election shall be given, the election shall be conducted and the returns thereof canvassed and the qualifications of electors voting or offering to vote shall be as provided in sections 33-402 through 33-423, Idaho Code. The question of the issuance of such bonds shall be approved only if the percentage of votes cast at such election were cast in favor thereof as that which is now, or may hereafter be, set by the constitution of the state of Idaho. All such bonds shall be authorized, issued and sold pursuant to the provisions of sections 33-1107 through 33-1125, Idaho Code. No bonds of a school subdistrict may be issued, however, if the issuance of such bonds would cause the percentage of market value for assessment purposes of taxable property within the boundaries of the school subdistrict represented by the aggregate outstanding indebtedness of the school subdistrict, when added to the percentage of the assessed valuation of taxable property represented by the aggregate outstanding indebtedness of the school district within which the school subdistrict lies, to exceed five percent (5%). As used in the preceding sentence hereof, "market value for assessment purposes," "aggregate outstanding indebtedness" and "issuance" shall have the same meanings as set forth in section 33-1103, Idaho Code. Upon the approval of the issuance of such bonds, the same may be

issued by the governing body of the school subdistrict on behalf of the school subdistrict at any time within two (2) years from the date of such election. Wherever in sections 33-402 through 33-423, Idaho Code, and in sections 33-1107 through 33-1125, Idaho Code, reference is made to "school district"; for purposes of this act it shall be deemed to refer to school subdistricts.

33-355. LEVY FOR PLANT FACILITIES RESERVE FUND -- ELECTION. The governing body of a school subdistrict may call an election in the school subdistrict, pursuant to the provisions of section 33-804, Idaho Code, for the purpose of submitting to the qualified school electors of the school subdistrict the question of a levy by a school subdistrict of a school plant facilities reserve fund tax.

Approved March 19, 1986.

CHAPTER 62
(S.B. No. 1329)

AN ACT

RELATING TO COMPENSATION OF DRAINAGE DISTRICT COMMISSIONERS; AMENDING SECTION 42-2913, IDAHO CODE, TO PROVIDE THAT MILEAGE ALLOWANCE SHALL BE AT THE RATE ESTABLISHED BY THE STATE BOARD OF EXAMINERS FOR EMPLOYEES OF THE STATE.

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

SECTION 1. That Section 42-2913, Idaho Code, be, and the same is hereby amended to read as follows:

42-2913. COMPENSATION. The drainage commissioners shall receive for their services not more than twenty-five dollars ($25.00) per day each for each day they shall actually be engaged in the business of their office. In addition, the commissioners shall each receive a mileage allowance computed at ~~a~~ the rate ~~of--twelve--cents--(12¢)--per mile~~ established by the state board of examiners for employees of the state for each mile driven and such allowance shall be the full amount allowed for travel expense. The commissioners shall present an itemized account, under oath, to the district court of the amounts due them respectively, which items shall be audited at least once a year by the said district court, and upon approval of the amounts, certified to be correct by said court, warrants for said amounts against the drainage district shall be issued in the usual manner as other warrants are issued: provided, that warrants issued under this section shall in addition to the usual signatures, be countersigned by the clerk of the court approving said warrants.

Approved March 19, 1986.

CHAPTER 63
(S.B. No. 1216, As Amended in the House)

AN ACT

RELATING TO HEALTH DISTRICTS; AMENDING SECTION 39-401, IDAHO CODE, TO PROVIDE A PROPER CODE CITATION; AMENDING SECTION 39-409, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 39-411, IDAHO CODE, TO PROVIDE THAT VACANCIES ON A DISTRICT BOARD OF HEALTH SHALL BE FILLED FOR THE BALANCE OF THE UNEXPIRED TERM; AMENDING SECTION 39-413, IDAHO CODE, TO STRIKE REFERENCE TO A REQUIREMENT THAT DISTRICT HEALTH PERSONNEL POSITIONS BE IN SUBSTANTIAL CONFORMANCE WITH CORRESPONDING POSITIONS IN THE STATE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 39-414, IDAHO CODE, TO PROVIDE THAT A DISTRICT MAY COLLECT A CHARGE FOR PROVIDING SERVICES, AND TO PROVIDE FOR COOPERATION WITH THE STATE BOARD OF HEALTH AND WELFARE; AMENDING SECTION 39-419, IDAHO CODE, TO INCREASE THE AMOUNT OF PENALTY THAT MAY BE IMPOSED FOR VIOLATION OF PUBLIC HEALTH LAWS, AND TO STRIKE REFERENCE TO EXTRAORDINARY EXPENSES; AMENDING SECTION 39-423, IDAHO CODE, TO PROVIDE A PROPER CODE CITATION; AND AMENDING SECTION 39-424, IDAHO CODE, TO STRIKE REFERENCE TO AD VALOREM TAXES, TO PROVIDE FOR ESTIMATES OF POPULATION, AND TO PROVIDE PROPER NOMENCLATURE.

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

SECTION 1. That Section 39-401, Idaho Code, be, and the same is hereby amended to read as follows:

39-401. LEGISLATIVE INTENT. The various health districts, as provided for in this chapter, are not a single department of state government unto themselves, nor are they a part of any of the twenty (20) departments of state government authorized by section 20, article IV, Idaho constitution, or of the departments prescribed in section 67-42~~4~~02, Idaho Code.

It is legislative intent that health districts operate and be recognized not as state agencies or departments, but as governmental entities whose creation has been authorized by the state, much in the manner as other single purpose districts. Pursuant to this intent, and because health districts are not state departments or agencies, health districts are exempt from the required participation in the services of the purchasing agent or employee liability coverage, as rendered by the department of administration. However, nothing shall prohibit the health districts from entering into contractural arrangements with the department of administration, or any other department of state government or an elected constitutional officer, for these or any other services.

It is legislative intent to affirm the provisions of section 39-413, Idaho Code, requiring compliance with the state merit system, and to affirm the participation of the health districts in the public employee retirement system, pursuant to section 39-426, Idaho Code, chapter 13, title 59, Idaho Code, and chapter 53, title 67, Idaho

Code.

It is also legislative intent that the matters of location of deposit of health district funds, or the instruments or documents of payment from those funds shall be construed as no more than items of convenience for the conduct of business, and in no way reflect upon the nature or status of the health districts as entities of government.

This section merely affirms that health districts created under this chapter are not state agencies, and in no way changes the character of those agencies as they existed prior to this act.

SECTION 2. That Section 39-409, Idaho Code, be, and the same is hereby amended to read as follows:

39-409. DISTRICT HEALTH DEPARTMENTS -- ESTABLISHMENT -- SERVICES. There is hereby created and established in each of the above described public health districts a district health department, hereinafter referred to as the district health department. The district health department shall have as its head the district board of health.

The district health department will provide the basic health services of public health education, physical health, environmental health, and public health administration, but this listing shall not be construed to restrict the service programs of the district health department solely to these categories. Each district shall have a doctor of medicine licensed in Idaho as a staff member or as a regular consultant.

SECTION 3. That Section 39-411, Idaho Code, be, and the same is hereby amended to read as follows:

39-411. COMPOSITION OF DISTRICT BOARD -- QUALIFICATIONS OF MEMBERS -- APPOINTMENT AND REMOVAL -- TERMS. The district board of health shall consist of seven (7) members to be appointed by the boards of county commissioners within each district acting jointly. For those districts comprised of eight (8) counties, each board of county commissioners may appoint a board member. Each member of the district board of health shall be a citizen of the United States, a resident of the state of Idaho and the public health district for one (1) year immediately last past, and a qualified elector. One (1) member of the district board, if available to serve, shall be a physician licensed by the Idaho state board of medicine and no more than one (1) member shall be appointed from any professional or special interest group. All members shall be chosen with due regard to their knowledge and interest in public health and in promoting the health of the citizens of the state and the public health district. Representation shall be assured from rural as well as urban population groups. All appointments to the district board shall be confirmed by a majority vote of all the county commissioners of all the counties located within the public health district. Any member of the district board may be removed by majority vote of all the county commissioners of all the counties located within the district. The members of the district board, each year, shall select a chairman and a vice-chairman.

The members of the district board of health shall be appointed for the purpose of organization as follows: One (1) member to be appointed for a term of one (1) year, one (1) for two (2) years, one (1) for three (3) years, two (2) for four (4) years and two (2) for five (5) years. Each succeeding vacancy ~~to~~ shall be filled by the boards of county commissioners within the district acting jointly and with confirmation as herein described for a term of five (5) years, subject to reappointment; and vacancies on the board for an unexpired term shall be filled ~~in--the-same-manner-as~~ for ~~an~~ the balance of the unexpired term.

SECTION 4. That Section 39-413, Idaho Code, be, and the same is hereby amended to read as follows:

39-413. DISTRICT HEALTH DIRECTOR -- APPOINTMENT -- POWERS AND DUTIES. A district health director shall be appointed by the district board. The director shall have and exercise the following powers and duties in addition to all other powers and duties inherent in the position or delegated to him or imposed upon him by law or rule, regulation, or ordinance:

(1) To be secretary and administrative officer of the district board of health;

(2) To prescribe such rules and regulations, consistent with the requirements of this chapter, as may be necessary for the government of ~~his-department~~ the district, the conduct and duties of ~~his~~ the district employees, the orderly and efficient handling of ~~his~~ business and the custody, use and preservation of ~~its~~ the records, papers, books and property belonging to the public health district;

(3) To administer oaths for all purposes required in the discharge of his duties;

(4) With the approval of the district board to:

(a) Prescribe the positions and the qualifications of all personnel under the district health director on a nonpartisan merit basis in accordance with the objective standards approved by the district board~~,-and-in-substantial-conformance-with--corresponding positions-within-the-state-department-of-health-and-welfare~~.

(b) Fix the rate of pay and appoint, promote, demote, and separate such employees and to perform such other personnel actions as are needed from time to time in substantial conformance with the requirements of chapter 53, title 67, Idaho Code.

(c) Create such units and sections as are or may be necessary for the proper and efficient functioning of the duties herein imposed.

SECTION 5. That Section 39-414, Idaho Code, be, and the same is hereby amended to read as follows:

39-414. POWERS AND DUTIES OF DISTRICT BOARD. The district board of health shall have and may exercise the following powers and duties:

(1) To administer and enforce all state and district health laws, regulations, and standards.

(2) To do all things required for the preservation and protection of the public health and preventive health, and such other things

delegated by the director of the state department of health and welfare and this shall be authority for the director to so delegate.

(3) To determine the location of its main office and to determine the location, if any, of branch offices.

(4) To enter into contracts with any other governmental or public agency whereby the district board agrees to render services to or for such agency in exchange for a ~~fee~~ charge reasonably calculated to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received and shall not apply to services required by statute, rule, and regulations, or standards promulgated pursuant to this act or chapter 1, title 39, Idaho Code.

(5) All ~~fees,~~ moneys or payment received or collected by gift, grant, devise, or any other way shall be deposited to the respective division or subaccount of the public health district in the public health district account authorized by section 39-422, Idaho Code.

(6) To establish a fiscal control policy required by the state auditor.

(7) To cooperate ~~in the highest degree~~ with the ~~director of the~~ state board and the department of health and welfare ~~in all manners and to this end be available to meet with the director as may be convenient to both, but in no event less frequently than semiannually~~.

(8) To enter into contracts with other governmental agencies, and this act hereby authorizes such other agencies to enter into contracts with the health district, as may be deemed necessary to fulfill the duties imposed upon the district in providing for the health of the citizens within the district.

(9) To purchase real property and construct, rent, or lease such buildings as may be required for the accomplishment of the duties imposed upon the district and to further obtain such other personal property as may be necessary to its functions.

(10) To accept, receive and utilize any gifts, grants, or funds and personal and real property that may be donated to it for the fulfillment of the purposes outlined in this act.

(11) To establish ~~fee schedules~~ a charge whereby the board agrees to render services to or for entities other than governmental or public agencies for ~~a fee~~ an amount reasonably calculated to cover the cost of rendering such service.

SECTION 6. That Section 39-419, Idaho Code, be, and the same is hereby amended to read as follows:

39-419. VIOLATION OF PUBLIC HEALTH LAWS -- MISDEMEANOR -- CIVIL LIABILITY FOR ~~EXTRAORDINARY~~ EXPENSE. (1) It shall be unlawful for any person, association, or corporation, and the officers thereof to wilfully violate, disobey, or disregard the provisions of the public health laws or the terms of any lawful notice, order, standard, rule, regulation, or ordinance issued pursuant thereto; or

(2) Any person, association, or corporation, or the officers thereof, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine ~~in any sum not less than ten dollars ($10.00) and~~

not exceeding ~~one~~ three hundred dollars ($~~1~~300), or by imprisonment in the county jail for a term not exceeding six (6) months, or by both such fine and imprisonment. In addition to fine and imprisonment, any person, association or corporation, or the officers thereof, found to be in violation of this act or the rules and regulations promulgated thereunder shall be liable for any ~~extraordinary~~ expense incurred by the district board of health in enforcing this act, or in removing or terminating any nuisance, source of filth, cause of sickness, or health hazard. Conviction under the penalty provisions of this act or any other health law or rules and regulations promulgated thereunder shall not relieve any person from any civil action in damages that may exist for any injury resulting from any violation of the public health laws or rules and regulations promulgated by the district board of health.

(3) A violator of any law, rule or regulation within the jurisdiction of the district shall be liable in an amount not in excess of the limits prescribed in subsection (6) of section 39-108, Idaho Code. The district board may seek recovery by commencing an action in the district court of the county wherein the violation occurred. Amounts recovered shall be paid into the general fund of the county wherein the violation occurred after deduction of costs and expenses.

SECTION 7. That Section 39-423, Idaho Code, be, and the same is hereby amended to read as follows:

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

The district board will submit to the budget committee by the first Monday in August of each year the preliminary budget for the public health district and the estimated cost of each county, as determined by the provisions of section 39-42~~5~~4, Idaho Code.

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

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

SECTION 8. That Section 39-424, Idaho Code, be, and the same is hereby amended to read as follows:

39-424. COST OF MAINTENANCE OF DISTRICT -- APPORTIONMENT TO MEMBER COUNTIES. The manner of apportioning the contributions of ~~ad valorem taxes to be raised by~~ the counties as part of the budget of the health district, created pursuant to section 39-423, Idaho Code, shall be as follows:

1. Seventy per cent (70%) of the amount to be ~~raised~~ contributed by the counties ~~through the levy of ad valorem taxes~~ shall be apportioned among the various counties within the health district on the basis of population. The proportion of the total population of each county as compared to the total population of the health district shall be the proportion by which such county shall share in the contribution of ~~ad valorem taxes~~ county funds for the maintenance of the health district, pursuant to this subsection. The population will be determined by the last general census ~~or any subsequent special census~~ when applicable. When a general census number is not applicable, population shall be estimated for each county by the state department of commerce and such estimated population number shall be certified to each county and to each health district by not later than April 1.

2. Thirty per cent (30%) of the amount to be ~~raised~~ contributed by the counties ~~through the levy of ad valorem taxes~~ shall be apportioned among the counties within the district on the basis of ~~assessed valuation~~ taxable market value for assessment purposes. The proportion of the total ~~assessed~~ taxable market value for assessment purposes of each county as compared to the total ~~assessed~~ taxable market value for assessment purposes of the health district shall be the proportion by which such county shall share in the contribution of ~~ad valorem taxes~~ funds for the maintenance of the health district, pursuant to this subsection. Total ~~assessed~~ taxable market value for assessment purposes shall mean the total ~~assessed~~ taxable market value for assessment purposes as computed by the county assessor for the preceding full calendar year.

Approved March 19, 1986.

CHAPTER 64
(S.B. No. 1355)

AN ACT

RELATING TO BUDGETS OF HEALTH DISTRICTS; AMENDING SECTION 39-425, IDAHO CODE, TO PROVIDE THAT HEALTH DISTRICTS SHALL SUBMIT A BUDGET REQUEST TO THE LEGISLATURE, TO PROVIDE FOR THE AMOUNT OF STATE SUPPORT FOR HEALTH DISTRICT BUDGETS, TO STRIKE REFERENCE TO AN AD VALOREM LEVY, TO PROVIDE FOR THE DEPOSIT OF STATE APPROPRIATIONS INTO THE PUBLIC HEALTH TRUST ACCOUNT, AND TO PROVIDE PROPER NOMENCLATURE.

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

SECTION 1. That Section 39-425, Idaho Code, be, and the same is hereby amended to read as follows:

39-425. GENERAL STATE AID TO DISTRICTS -- PROCEDURES. (1) ~~On or before December 31 of e~~Every year, the ~~director of the department of health and welfare~~ districts shall ~~include as an addendum to the budget~~ submit a request ~~submitted~~ to the legislature~~, a request~~ for money to be used to match funds ~~raised~~ contributed by the ~~levy of the~~ counties~~,~~ pursuant to section 31-862, Idaho Code, for the maintenance and operation of district health departments. The matching amount to be included in the request shall be sixty-seven per cent (67%) of the amounts pledged ~~to be raised~~ by ~~the levy of~~ each county, ~~pursuant to section 31-862, Idaho Code,~~ as adopted as part of the budget for the health districts during the budget formulations ~~in the immediately preceding August and September~~, as provided for in section 39-423, Idaho Code. If the determined amount of participation by a county would exceed the amount which could be raised applying the maximum levy prescribed in section 31-862, Idaho Code, that county's participation shall be reduced to the maximum amount which can be raised thereby.

(2) The foregoing provision shall not limit the ~~director~~ legislature from authorizing or granting additional funds for selected projects ~~to individual health districts~~ in excess of the percentage of participation of general aid granted all health districts.

(3) General state aid to the various health districts shall be made available from state appropriations, and shall be ~~matched and~~ distributed in the following manner:

a. One-half (1/2) of the amount appropriated shall be remitted to the public health trust account ~~of the health districts~~ on or before ~~September 30~~ July 15;~~,~~ and

b. The remaining one-half (1/2) of the amount appropriated shall be remitted to the public health trust account ~~of the health districts~~ on or before ~~March 31~~ January 15.

(4) The liability of the state of Idaho to the public health districts and the public health district fund and its divisions is limited to:

a. Sixty-seven per cent (67%) of the ~~ad valorem tax contributed~~ contribution by each county as specified in subsection (1) of this section ~~or the funds appropriated to the department of health and welfare for that purpose,~~; and~~;~~

b. The funds actually authorized or granted to the various public health districts as provided for in subsection (2) of this section~~,~~; and~~;~~

c. The funds due the various health districts in payment of legally authorized contracts and agreements entered into between the departments of the state of Idaho and the various public health districts.

(5) If revenues to the state treasury are insufficient to fully meet appropriations, and reductions in spending authority have been

ordered pursuant to law, the amount of moneys to match revenues ~~raised~~ contributed by the counties, pursuant to section 39-423, Idaho Code, which has been appropriated pursuant to this section, shall be reduced by the same percentage rate as ~~all~~ other general ~~fund~~ account appropriations ~~for the department of health and welfare~~.

Approved March 19, 1986.

CHAPTER 65
(S.B. No. 1305)

AN ACT
APPROPRIATING MONEYS TO THE STATE AUDITOR FOR THE DATA CENTER IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 100, LAWS OF 1985; 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 100, Laws of 1985, there is hereby appropriated to the State Auditor for the Data Center the following amount to be expended according to the designated expense class from the listed account for the period July 1, 1985, through June 30, 1986:

FOR:	
Capital Outlay	$667,600
FROM:	
Capital Outlay Depreciation Reserve Account	$667,600

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 19, 1986.

CHAPTER 66
(S.B. No. 1344)

AN ACT
RELATING TO WATER POLLUTION ABATEMENT; AMENDING SECTION 39-3602, IDAHO CODE, TO EXPAND THE DEFINITION OF "MUNICIPALITY."

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

SECTION 1. That Section 39-3602, Idaho Code, be, and the same is hereby amended to read as follows:

39-3602. DEFINITIONS. A. "Sewage treatment works" means any facility for the purpose of collecting, treating, neutralizing or stabilizing sewage or industrial wastes of a liquid nature, including treatment by disposal plants, the necessary intercepting, outfall and outlet sewers, pumping stations integral to such plants or sewers, equipment and furnishings thereof and their appurtenances.

B. "Construction" means the erection, building, acquisition, alteration, reconstruction, improvement or extension of sewage treatment works or best management practices, preliminary planning to determine the economic and engineering feasibility of sewage treatment works or best management practices, the engineering, architectural, legal, fiscal and economic investigations, reports and studies, surveys, designs, plans, working drawings, specifications, procedures, and other action necessary in the construction of sewage treatment works or best management practices, and the inspection and supervision of the construction of sewage treatment works or best management practices.

C. "Eligible construction project" means a project for construction of sewage treatment works or for a project for the application of best management practices as set forth in the approved state water quality plan, in related project areas:

1. For which approval of the Idaho board of health and welfare is required under section 39-118, Idaho Code;
2. Which is, in the judgment of the Idaho board of health and welfare, eligible for water pollution abatement assistance, whether or not federal funds are then available therefor;
3. Which conforms with applicable rules and regulations of the Idaho board of health and welfare;
4. Which is, in the judgment of the Idaho board of health and welfare, necessary for the accomplishment of the state's policy of water purity as stated in section 39-3601, Idaho Code; and
5. Which is needed, in the judgment of the Idaho board of health and welfare, to correct existing water pollution problems or public health hazards and to provide reasonable reserve capacity to prevent future water pollution problems or public health hazards.

D. "Municipality" means any county, city, special service district, nonprofit corporation or other governmental entity having authority to dispose of sewage, industrial wastes, or other wastes, any Indian tribe or authorized Indian tribal organization, or any combination of two (2) or more of the foregoing acting jointly, in connection with an eligible project.

E. "Board" means the Idaho board of health and welfare.

F. "Department" means the Idaho department of health and welfare.

G. "Director" means the director of the Idaho department of health and welfare.

H. "Nondomestic wastewater" means wastewater whose source of contamination is not principally human excreta.

I. "Best management practice" means practices, techniques or measures identified in the state water quality plan which are determined to be the most effective, practicable means of preventing or reducing pollutants generated from nonpoint sources to a level compatible with

water quality goals.

J. "Soil conservation district" means an entity of state government as defined in section 22-2717, Idaho Code.

K. "Soil conservation commission" means an agency of state government as created by section 22-2718, Idaho Code.

L. "Nonpoint source pollution" means water pollution that comes from many varied, nonspecific and diffused sources and can be categorized by the general land disturbing activity that causes the pollution.

~~I~~M. "Training program" means any course of training established to provide sewage treatment plant operating personnel with increased knowledge to improve their ability to operate and maintain sewage treatment works.

Approved March 19, 1986.

CHAPTER 67
(S.B. No. 1379)

AN ACT

RELATING TO THE USE OF GOVERNMENT OBLIGATIONS INSTEAD OF SURETY BONDS FOR PUBLIC WORKS CONTRACTORS; AMENDING SECTION 54-1901, IDAHO CODE, TO DEFINE GOVERNMENT OBLIGATION; AMENDING SECTION 54-1926, IDAHO CODE, TO PROVIDE THAT A PUBLIC WORKS CONTRACTOR MAY DEPOSIT GOVERNMENT OBLIGATIONS IN LIEU OF FURNISHING A SURETY COMPANY PERFORMANCE BOND OR PAYMENT BOND OR BONDS; AND AMENDING CHAPTER 19, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1926A, IDAHO CODE, TO PROVIDE A PROCEDURE FOR THE USE OF GOVERNMENT OBLIGATIONS INSTEAD OF SURETY BONDS BY PUBLIC WORKS CONTRACTORS, TO PROVIDE DUTIES OF PERSONS RECEIVING THE GOVERNMENT OBLIGATIONS IN LIEU OF THE SURETY BOND, AND TO PROVIDE DUTIES OF THE STATE TREASURER; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-1901, Idaho Code, be, and the same is hereby amended to read as follows:

54-1901. DEFINITIONS. For the interpretation of this act, unless the context indicates a different meaning:

(a) "Person" includes any individual, firm, copartnership, corporation, association or other organization, or any combination thereof acting as a unit.

(b) "Public works contractor," which term is synonymous with the term "builder," "sub-contractor" and "specialty contractor," and in this act referred to as "contractor" or "licensee," includes any person who, in any capacity, undertakes, or offers to undertake, or purports to have the capacity to undertake any construction, repair or reconstruction of any public work, or submits a proposal to, or enters

into a contract with, the state of Idaho, or any county, city, town, village, school district, irrigation district, drainage district, sewer district, fire district, or any other taxing subdivision or district of any public or quasi-public corporation of the state, or with any agency of any thereof, or with any other public board, body, commission, department or agency, or officer or representative thereof, authorized to let or award contracts for the construction, repair or reconstruction of any public work.

(c) "Public works construction" includes any or all of the following branches:

(1) Heavy construction, which is defined as constructing substantially in its entirety any fixed works and structures (not including "building construction"), without limitation, for any or all of the following divisions of subjects: irrigation, drainage, sanitation, sewerage, water power, water supply, reservoirs, flood control, reclamation, inland waterways, railroads, grade separations, subways, track elevation, elevated highways, hydro-electric developments, aqueducts, transmission lines, duct lines, pipelines, locks, dams, dykes, levees, revetments, channels, channel cutoffs, intakes, drainage, excavation and disposal of earth and rocks, foundations, piers, abutments, retaining walls, viaducts, shafts, tunnels, airports, air bases and airways, and other facilities incidental to the same;

(2) Highway construction, which is defined as all work included in highway construction contracts, including, without limitation, highways, roads, streets, bridges, tunnels, sewer and street grading, street paving, curb setting, surfacing and other facilities incidental to any of the same;

(3) Building construction, which is defined as all work in connection with any structure now built, being built, or hereafter built, for the support, shelter and inclosure of persons, chattels, personal and movable property of any kind, requiring in its construction the use of more than two (2) unrelated building trades or crafts.

(4) Specialty construction, which is defined as any work in connection with any public works construction, requiring special skill and the use of specially skilled trades or crafts.

(d) "Board" means the board created by this act under the name of "public works contractors state license board."

(e) "Registrar" means the person appointed as such under this act.

(f) "Year" means the fiscal year ending June 30, each year.

(g) "Federal aid funds" mean a direct grant in aid, matching funds, or loan from an agency of the federal government and designated for a specific public works project. Revenue sharing funds, federal impact funds, timber stumpage fees, and similar indirect allowances and subsidies not designated for a specific public works project shall not be regarded as "federal aid funds" within the meaning of this section.

(h) "Government obligation" means a public debt obligation of the United States government or the state of Idaho and an obligation whose principal and interest is unconditionally guaranteed by the United

States government or the state of Idaho.

SECTION 2. That Section 54-1926, Idaho Code, be, and the same is hereby amended to read as follows:

54-1926. PERFORMANCE AND PAYMENT BONDS REQUIRED OF CONTRACTORS FOR PUBLIC BUILDINGS AND PUBLIC WORKS OF THE STATE, POLITICAL SUBDIVISIONS AND OTHER PUBLIC INSTRUMENTALITIES -- REQUIREMENTS FOR BONDS -- GOVERNMENT OBLIGATIONS. Before any contract for the construction, alteration, or repair of any public building or public work or improvement of the state of Idaho, or of any county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or of any officer, board, commission, institution, or agency of the foregoing, is awarded to any person, he shall furnish to the state of Idaho, or to such county, city, town, municipal corporation, township, school district, public educational institution, or other political subdivision, public authority, or public instrumentality, or to such officer, board, commission, institution, or agency thereof, bonds which shall become binding upon the award of the contract to such person, who is hereinafter designated as "contractor":

(1) A performance bond in any amount to be fixed by the contracting body, but in no event less than fifty per cent (50%) of the contract amount conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof. Said bond shall be solely for the protection of the public body awarding the contract.

(2) A payment bond in an amount to be fixed by the contracting body but in no event less than fifty per cent (50%) of the contract amount, solely for the protection of persons supplying labor or materials, or renting, leasing, or otherwise supplying equipment to the contractor or his subcontractors in the prosecution of the work provided for in such contract.

(3) Public bodies requiring a performance bond or payment bond in excess of fifty per cent (50%) of the total contract amount shall not be authorized to withhold from the contractor any amount exceeding five per cent (5%) of the total amount payable to the contractor as retainage. Further, the public body shall release to the contractor any retainage for those portions of the project accepted by the contracting public body and the contractors as complete within thirty (30) days after such acceptance.

Each bond shall be executed by a surety company or companies duly authorized to do business in this state, or the contractor may deposit any of the type of government obligations listed in subsection (h) of section 54-1901, Idaho Code, in lieu of furnishing a surety company performance or payment bond or bonds. In the case of contracts of the state or a department, board, commission, institution, or agency thereof the aforesaid bonds shall be payable to the state, or particular state agency where authorized. In case of all other contracts subject to this act, the bonds shall be payable to the public body concerned.

Said bonds shall be filed in the office of the department, board, commission, institution, agency or other contracting body awarding the contract.

Nothing in this section shall be construed to limit the authority of the state of Idaho or other public body hereinabove mentioned to require a performance bond or other security in addition to these, or in cases other than the cases specified in this act.

It shall be illegal for the invitation for bids, or any person acting or purporting to act, on behalf of the contracting body to require that such bonds be furnished by a particular surety company, or through a particular agent or broker.

SECTION 3. That Chapter 19, 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 54-1926A, Idaho Code, and to read as follows:

54-1926A. USE OF GOVERNMENT OBLIGATIONS INSTEAD OF SURETY BONDS. (a) If a person is required under a law of the state of Idaho to give a surety bond, the person may give a government obligation, as defined in subsection (h) of section 54-1901, Idaho Code. The government obligation shall:

(1) Be given to the official having authority to approve the surety bond, or its authorized custodian;

(2) Be in an amount equal at par value to the amount of the required surety bond; and

(3) Authorize the official receiving the obligation to collect or sell the obligation if the person defaults on a required condition.

(b) (1) An official receiving a government obligation under subsection (a) of this section may deposit it with:

1. The state treasurer;
2. A national or state chartered bank; or
3. A depository designated by the state treasurer.

(2) The state treasurer, bank, or depository shall issue a safekeeping receipt that describes the obligation deposited.

(c) Using a government obligation instead of a surety bond for security is the same as using:

(1) A corporate surety bond;

(2) A certified check;

(3) A bank draft;

(4) A post office money order; or

(5) Cash.

(d) When security is no longer required, a government obligation given instead of a surety bond shall be returned to the person giving the obligation. If a person supplying labor or material to a contractor defaulting under the public contracts bond act, sections 54-1925 through 54-1930, Idaho Code, files with the contracting body the application and affidavit provided under section 54-1927, Idaho Code, the contracting body:

(1) May return to the contractor the government obligation given as security or proceeds of the government obligation given under

the public contracts bond act, sections 54-1925 through 54-1930, Idaho Code, only after the ninety (90) day period for bringing a civil action under section 54-1927, Idaho Code;

(2) Shall hold the government obligation or the proceeds subject to the order of the court having jurisdiction of the action if a civil action is brought in the ninety (90) day period.

(e) The provisions of this section do not affect the:

(1) Priority of a claim of the contracting body against a government obligation given under this section;

(2) Right or remedy of the contracting body for default on an obligation provided under this section;

(3) Authority of a court over a government obligation given as security in a civil action; and

(4) Authority of an official of the state of Idaho authorized by another law to receive a government obligation as security.

(f) To avoid frequent substitution of government obligations, the state treasurer may promulgate rules and regulations limiting the effect of the provisions of this section, to a government obligation maturing more than one (1) year after the date the obligation is given as security.

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 24, 1986.

CHAPTER 68
(S.B. No. 1348)

AN ACT

RELATING TO THE INVESTMENT BOARD; AMENDING SECTION 57-727, IDAHO CODE, TO PROVIDE FOR THE EMPLOYMENT OF AN ASSISTANT INVESTMENT MANAGER IN AN EXEMPT POSITION, AND TO PROVIDE THAT THE INVESTMENT BOARD SET THE SALARY OF THE ASSISTANT INVESTMENT MANAGER, SUBJECT TO THE APPROVAL OF THE GOVERNOR.

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

SECTION 1. That Section 57-727, Idaho Code, be, and the same is hereby amended to read as follows:

57-727. ~~INVESTMENT--TRUSTEE~~ STAFF INVESTMENT MANAGER -- STAFF -- LEGAL ADVISORS. (1) With the approval of two-thirds (2/3) of the members of the board, ~~an investment trustee~~ a staff investment manager and an assistant staff investment manager may be employed who shall perform such managerial activities and functions as the board may direct. The staff investment ~~trustee~~ manager and assistant staff investment manager shall serve at the pleasure of the board in ~~an~~

~~exempt~~ nonclassified positions. The staff investment ~~trustee~~ manager and assistant staff investment manager shall be employed by the board. The salary of the staff investment ~~trustee~~ manager and assistant staff investment manager shall be set by the board, subject to approval of the governor, and be paid from appropriations made therefor. The staff investment ~~trustee~~ manager and assistant staff investment manager shall be bonded in an amount established by the board.

(2) The board may authorize the employment of whatever staff it deems necessary for the administration of the board's business. The staff investment ~~trustee~~ manager shall hire such authorized additional staff who shall hold their respective positions subject to the rules and regulations of the Idaho personnel commission. The salaries of all staff members shall be paid from appropriations made therefor.

(3) The director of the department of finance shall have access to any and all books and records maintained by the staff investment ~~trustee~~ manager and his staff as the board may deem necessary.

(4) The board shall be furnished adequate and qualified legal advisors by the attorney general's office.

(5) All current expenses, capital outlay, and travel expenses shall be paid from appropriations made therefor.

(6) The board shall, upon request of the agency involved, furnish advice to the treasurer, the manager of the state insurance fund, and the public employees retirement board, and the board may, upon request of the agency, invest funds of the requesting agency.

Approved March 24, 1986.

CHAPTER 69
(S.B. No. 1314, As Amended)

AN ACT

RELATING TO HORSE RACING AND PARI-MUTUEL WAGERING; AMENDING SECTION 54-2512, IDAHO CODE, TO PROVIDE FOR CONDUCT OF PARI-MUTUEL WAGERING BY A LICENSEE ON RESULTS OF SIMULCASTING OR TELEVISED HORSE RACES IN CONJUNCTION WITH RACES CONDUCTED BY THE LICENSEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2512, Idaho Code, be, and the same is hereby amended to read as follows:

54-2512. PARI-MUTUEL BETTING -- OTHER BETTING ILLEGAL. Any licensee conducting a race meet under this act may provide a place or places in the race meet grounds or enclosure at which such licensee may conduct and supervise the use of the pari-mutuel system by patrons on the result of the races conducted by such licensee at such race meet~~,~~ and, upon written application by a licensee and approval by the commission, on the result of out of state, simulcast and/or televised

races limited only to the Kentucky Derby, the Preakness, the Belmont, the Travers, and the All American Futurity Race, provided that such races coincide with the conduct by the licensee of a race meet licensed by the commission. Ssuch pari-mutuel system conducted at such race meet shall not under any circumstances, if conducted under the provisions of this act and in conformity thereto and to the rules and regulations of the commission, to be held or construed to be unlawful, other statutes of this state to be the contrary notwithstanding.

It shall be unlawful to conduct pool selling, book making, or to circulate hand books, or to bet or wager on a race of any licensed race meet, other than by the pari-mutuel system; and it shall further be unlawful knowingly to permit any minor to use the pari-mutuel 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 24, 1986.

CHAPTER 70
(H.B. No. 653)

AN ACT

RELATING TO VENEREAL DISEASES; AMENDING SECTION 39-601, IDAHO CODE, TO PROVIDE THAT ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS), AND RELATED INFECTIONS SHALL BE CLASSIFIED AS VENEREAL DISEASES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-601, Idaho Code, be, and the same is hereby amended to read as follows:

39-601. VENEREAL DISEASES ENUMERATED -- EXPOSURE OF OTHER PERSONS UNLAWFUL. Syphilis, gonorrhea, acquired immunodeficiency syndrome (AIDS), AIDS related complexes (ARC), other manifestations of HTLV-III (human T-cell lymphotrophic virus-type III) infections and chancroid, hereinafter designated as venereal diseases, are hereby declared to be contagious, infectious, communicable and dangerous to public health; and it shall be unlawful for any one infected with these diseases or any of them to knowingly or wilfully expose another person to the infection of such diseases.

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

Approved March 24, 1986.

CHAPTER 71
(H.B. No. 498, As Amended in the Senate)

AN ACT

RELATING TO THE NATURAL DEATH ACT; AMENDING SECTION 39-4502, IDAHO CODE, TO STRIKE REFERENCE TO TERMINAL CONDITIONS, AND TO PROVIDE THAT THE DIRECTIVE SHALL BE IN THE FORM OF A DURABLE POWER OF ATTORNEY; AMENDING SECTION 39-4503, IDAHO CODE, TO STRIKE REFERENCE TO TERMINAL CONDITION AND TO FURTHER DEFINE TERMS; AMENDING SECTION 39-4504, IDAHO CODE, TO PROVIDE THAT THE DIRECTIVE SHALL BE IN THE FORM OF A DURABLE POWER OF ATTORNEY, AND TO STRIKE REFERENCE TO TERMINAL CONDITION; AND AMENDING SECTION 39-4506, IDAHO CODE, TO STRIKE REFERENCE TO THE LENGTH OF EFFECT OF A DIRECTIVE, AND TO PROVIDE THAT A DIRECTIVE SHALL BE EFFECTIVE FROM THE DATE OF EXECUTION UNLESS OTHERWISE REVOKED.

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

SECTION 1. That Section 39-4502, Idaho Code, be, and the same is hereby amended to read as follows:

39-4502. STATEMENT OF POLICY. The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering of their medical care, including the decision to have life sustaining procedures withheld or withdrawn ~~in instances of a terminal condition~~.

The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The legislature further finds that patients ~~suffering from terminal conditions~~ are sometimes unable to express their desire to withhold or withdraw such artificial life prolongation procedures which provide nothing medically necessary or beneficial to the patient because of the progress of the disease process which renders the patient comatose or unable to communicate with the physician.

In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of this state shall recognize the right of an adult person to make a written directive <u>in the form of a durable power of attorney</u> instructing his physician to withhold or withdraw life sustaining procedures when such person is suffering from a ~~terminal~~ condition and <u>is</u> unable to instruct his physician regarding such procedures because of the ~~terminal~~ condition.

SECTION 2. That Section 39-4503, Idaho Code, be, and the same is hereby amended to read as follows:

39-4503. DEFINITIONS. The following definitions shall govern the construction of this chapter:

(1) "Attending ~~P~~physician" means the physician licensed by the

state board of medicine, selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(2) ~~"Terminal-condition"-means-an--incurable--physical--condition caused--by-disease-or-illness-which-reasonable-medical-judgment-determines-shortens-the-lifespan-of-the-patient.~~

~~(3)~~ "Qualified patient" means a person of sound mind at least eighteen (18) years of age ~~diagnosed-by-the-attending-physician-to-be afflicted-with-a-terminal-condition~~.

(4) "Artificial life-sustaining procedure" means any medical procedure or intervention which utilizes mechanical means to sustain or supplant a vital function which when applied to a qualified patient, would serve only to artificially prolong the moment of death and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized. Artificial life-sustaining procedures shall not include the administration of medication or the performance of any medical procedure deemed necessary to alleviate pain, or the administration of nutrition and hydration that is necessary to sustain the life of the patient.

SECTION 3. That Section 39-4504, Idaho Code, be, and the same is hereby amended to read as follows:

39-4504. DIRECTIVE FOR WITHHOLDING PROCEDURES. Any qualified patient may execute a directive in the form of a durable power of attorney directing the withholding or withdrawal of artificial life-sustaining procedures when such patient becomes unconscious or unable to communicate with his attending physician because of the progress of ~~the--terminal~~ a condition resulting in his inability to voluntarily determine whether such procedures should be utilized, and if such procedures would serve only to prolong the moment of his death and where his attending physician determines that his death is imminent whether or not such procedures are utilized. The directive shall be signed by the qualified patient in the presence of two (2) witnesses who shall verify in such directive that they are not related to the qualified patient by blood or marriage, that they would not be entitled to any portion of the estate of the qualified patient upon his demise under any will of the qualified patient or codicil thereto then existing, at the time of the directive, or by operation of law then existing. In addition, the witnesses shall verify that they are not the attending physician, an employee of the attending physician or a health facility in which the qualified patient is a patient or any person who has a claim against any portion of the estate of the qualified patient upon his demise at the time of the execution of the directive. The directive shall be in the following form:

DIRECTIVE TO PHYSICIAN

Directive made this ____ day of (month and year).

I, _____, being of sound mind, willfully and voluntarily make known my desire that my life shall not be artificially prolonged under the circumstances below:

1. In the absence of my ability to give directions regarding the use of artificial life-sustaining procedures as a result of the disease process of my ~~terminal~~ condition, it is my intention that such

artificial life-sustaining procedures should not be used when they would serve only to artificially prolong the moment of my death and where my attending physician determines that my death is imminent whether or not the artificial life-sustaining procedures are utilized.

2. I have been diagnosed and notified that I have a ~~terminal~~ condition known as _____ by _____, M.D., whose address is _____ and whose telephone number is _____.

3. This directive ~~shall have no force or effect after five years from the date filled in above~~ is a durable power of attorney.

4. I understand the full impact of this directive and I am emotionally and mentally competent to make this directive.

_____
(Name)

_____
(City, County and State)

_____
Witness

_____
Witness

STATE OF IDAHO)
) ss.
County of Ada)

We, _____, _____, and _____, the Qualified Patient and the witnesses respectively, whose names are signed to the attached and foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the Qualified Patient signed and executed the Directive and that he signed willingly and he executed it as his free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the Qualified Patient signed the Directive as witness and that to the best of his knowledge the Qualified Patient was at the time 18 or more years of age, of sound mind and under no constraint or undue influence. We the undersigned witnesses further declare that we are not related to the Qualified Patient by blood or marriage; that we are not entitled to any portion of the estate of the qualified patient upon his decease under any will or codicil thereto presently existing or by operation of law then existing; that we are not the attending physician, an employee of the attending physician or a health facility in which the Qualified Patient is a patient, and that we are not a person who has a claim against any portion of the estate of the Qualified Patient upon his decease at the present time.

_____
Qualified Patient

_____
Witness

_____
Witness

SUBSCRIBED, sworn to and acknowledged before me by _____, the Qualified Patient, and subscribed and sworn to before me by _____ and _____, witnesses, this ____ day of _____, 19__.

Notary Public for the State of Idaho
Residing at Boise, Idaho

(SEAL)

SECTION 4. That Section 39-4506, Idaho Code, be, and the same is hereby amended to read as follows:

39-4506. ~~EXPIRATION~~ EXECUTION OF DIRECTIVE. A directive shall be effective ~~for five (5) years~~ from the date of execution unless ~~sooner~~ otherwise revoked ~~in a manner described in section 39-4505, Idaho Code~~. Nothing in this chapter shall be construed to prevent a qualified patient from reexecuting a directive at any time. If the qualified patient becomes comatose or is rendered incapable of communicating with the attending physician, the directive shall remain in effect for the duration of the comatose condition or until such time as the qualified patient's condition renders him able to communicate with the attending physician.

Approved March 24, 1986.

CHAPTER 72
(H.B. No. 702)

AN ACT

APPROPRIATING MONEYS TO THE AGENCIES LISTED IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 1987, 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 according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. STATE ATHLETIC DIRECTOR:				
FROM:				
General Account		$ 2,500		$ 2,500
Athletic Account		7,500		7,500
TOTAL		$ 10,000		$ 10,000
B. BOARD OF PHARMACY:				
FROM:				
General Account	$ 29,700			$ 29,700
Pharmacy Board Account	169,700	$ 110,800	$ 8,000	288,500
TOTAL	$ 199,400	$ 110,800	$ 8,000	$ 318,200
C. BOARD OF ACCOUNTANCY:				

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
State Board of Accountancy Account	$ 77,200	$ 119,600	$ 1,700	$ 198,500
D. BOARD OF DENTISTRY:				
FROM:				
State Board of Dentistry Account	$ 65,300	$ 45,200	$ 7,500	$ 118,000
E. BOARD OF ENGINEERING EXAMINERS:				
FROM:				
Professional Engineers Account	$ 78,100	$ 85,000	$ 4,000	$ 167,100
F. BOARD OF MEDICINE:				
FROM:				
State Board of Medicine Account	$ 129,500	$ 105,900	$10,400	$ 245,800
G. BOARD OF NURSING:				
FROM:				
State Board of Nursing Account	$ 173,000	$ 111,900	$ 2,400	$ 287,300
H. BUREAU OF OCCUPATIONAL LICENSES:				
FROM:				
Occupational License Account	$ 305,500	$ 200,000	$ 2,900	$ 508,400
I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:				
FROM:				
Public Works Contractors State License Board Account	$ 102,700	$ 74,100	$ 2,000	$ 178,800
J. IDAHO REAL ESTATE COMMISSION:				
FROM:				
Idaho Real Estate Brokers Commission Account	$ 460,000	$ 207,600	$38,900	$ 706,500
K. PROFESSIONAL GEOLOGISTS BOARD:				
FROM:				
Professional Geologists Account	$ 12,800	$ 12,200		$ 25,000
L. BOARD OF OPTOMETRY:				
FROM:				
State Board of Optometry Account	$ 2,500	$ 5,900		$ 8,400
M. IDAHO CERTIFIED SHORTHAND REPORTERS BOARD:				
FROM:				
State Certified Shorthand Reporters Account	$ 3,300	$ 8,700		$ 12,000
N. OUTFITTERS AND GUIDES BOARD:				
FROM:				
Outfitters and Guides Board Account	$ 122,700	$ 76,600	$ 3,100	$ 202,400
O. BOARD OF VETERINARY MEDICINE:				
FROM:				

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
State Board of Veterinary Medicine Account	$ 16,500	$ 15,000		$ 31,500
GRAND TOTAL	$1,748,500	$1,188,500	$80,900	$3,017,900

Approved March 24, 1986.

CHAPTER 73
(H.B. No. 399, As Amended)

AN ACT

RELATING TO THE STATE REFUND ACCOUNT; REPEALING SECTIONS 23-1021 AND 23-1054, IDAHO CODE; AMENDING SECTION 14-425, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF TRANSFER AND INHERITANCE TAX REFUNDS FROM THE STATE REFUND ACCOUNT; AMENDING SECTION 23-1008, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE PROVISIONS, AND TO PROVIDE FOR DISTRIBUTION OF REVENUES RECEIVED; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1054, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF BEER TAX REFUNDS FROM THE STATE REFUND ACCOUNT; AMENDING SECTION 23-1319, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE PROVISIONS, TO PROVIDE FOR THE PAYMENT OF WINE TAX REFUNDS FROM THE STATE REFUND ACCOUNT, AND TO PROVIDE FOR DISTRIBUTION OF REVENUES RECEIVED; AMENDING SECTION 47-1208, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 50-1049, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE PROVISIONS, AND TO PROVIDE FOR DISTRIBUTION OF REVENUES RECEIVED; AMENDING SECTIONS 63-2412 AND 63-2418, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE; AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE THAT CIGARETTE TAX REFUNDS SHALL BE PAID FROM THE STATE REFUND ACCOUNT; AMENDING SECTION 63-2564, IDAHO CODE, TO PROVIDE THAT TOBACCO PRODUCTS TAX REFUNDS SHALL BE PAID FROM THE STATE REFUND ACCOUNT; AMENDING SECTION 63-2702, IDAHO CODE, TO PROVIDE THAT AMOUNTS PAID ON THE LICENSE TAX ON ELECTRICITY SHALL BE DISTRIBUTED DIRECTLY TO THE GENERAL ACCOUNT; AMENDING SECTION 63-3067, IDAHO CODE, TO STRIKE OBSOLETE PROVISIONS; AMENDING SECTION 63-3067A, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN MONEYS TO THE FISH AND GAME TRUST ACCOUNT; AMENDING SECTION 63-3067B, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN MONEYS TO THE UNITED STATES OLYMPIC ACCOUNT; AMENDING SECTION 63-3067C, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN MONEYS TO THE DRUG ENFORCEMENT ACCOUNT; AMENDING SECTION 63-3067D, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CERTAIN MONEYS TO THE CHILDREN'S TRUST ACCOUNT; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF SALES TAX MONEYS; AMENDING SECTION 67-4718, IDAHO CODE, TO PROVIDE FOR PAYMENT OF TRAVEL AND CONVENTION TAX REFUNDS FROM THE STATE REFUND ACCOUNT; AND AMENDING SECTION 67-4917C, IDAHO

CODE, TO PROVIDE FOR THE PAYMENT OF HOTEL/MOTEL TAX REFUNDS FROM THE STATE REFUND ACCOUNT.

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

SECTION 1. That Sections 23-1021 and 23-1054, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 14-425, Idaho Code, be, and the same is hereby amended to read as follows:

14-425. STATE TAX COMMISSION TO COLLECT TAXES. The state tax commission shall collect all taxes and moneys that may be due under this act, and remit such moneys to the state treasurer. Such moneys shall be distributed as follows:

(a) Ten percent (10%) of such moneys shall be ~~paid~~ distributed into a suspense account for payment to the county treasurer of the county in which venue for probate and administration lies, pursuant to section 15-3-201, Idaho Code, regardless of whether such probate or administration was in fact instituted. Such moneys shall be paid by the state tax commission to the appropriate counties not less than quarterly after paying any deficits owed to the state refund account for any refund balances outstanding and unpaid by the county as of the effective date of this act, and shall then be credited to the county current expense fund.

(b) ~~Eighty-five-percent-(85%)-of-such-moneys-shall-be-transferred to-the-credit-of-the-water-pollution-control-fund-of-the-state;-except that,-for-the-period-from-the-effective-date-of-this-act-through--June 30,--1981,--one--hundred--and--five-thousand-dollars-($105,000)-of-the moneys-distributed-pursuant-to-this-paragraph-shall--be--deposited--to the--credit--of-the-water-resources-conservation-and-development-trust account,-created-in-section-42-1776,-Idaho-Code.~~

~~(c)--An-amount-equal-to-five-percent-(5%)-of-such-moneys,-but--not to--exceed-fifty-thousand-dollars-($50,000),-shall-be-deposited-in-the transfer-and-inheritance-tax-act-refund-fund,-which-is-hereby--created in--the--state-treasury.-Any-part-of-such-five-percent-(5%)-not-deposited-in-the-transfer-and-inheritance-tax-act-refund-fund-shall-be-distributed-as-are-moneys-described-in-subsection-(b)--of--this--section. The-transfer-and-inheritance-tax-act-refund-fund-shall-be-used-for-the purpose--of--repaying-overpayments-made-under-the-transfer-and-inheritance-tax-act,--for--the--purpose--of--repaying--any--other--erroneous receipts-under-such-act,-for-the-purpose-of-repaying-any-tax,-penalty, or--interest--illegally--assessed--or-collected,-or-for-the-purpose-of paying-any-judgment-rendered-against-the-state--tax--commission--under the--terms--and-provisions-of-the-transfer-and-inheritance-tax-act.-In the-event-any-such-refund-or-repayment-is-made,-then-the-county--which under--subsection--(a)-of-this-section-originally-received-ten-percent (10%)-of-the-transfer-and-inheritance-tax-shall-be--charged--with--ten percent--(10%)--of-the-moneys-refunded-but-not-in-excess-of-the-amount originally-distributed-under-subsection-(a)-and-to-the-extent-of--such refunds--charged--future-distributions-to-be-made-under-subsection-(a) to-such-counties-shall-be-paid-into-the-transfer-and--inheritance--tax~~

~~act-refund-fund-in-lieu-of-being-paid-to-such-counties.-Any-balance-in the-refund-fund-in-excess-of-fifty-thousand-dollars-($50,000)-shall-be paid--solely--to--the-water-pollution-control-fund.~~ An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid through the state refund account, and those moneys are continuously appropriated. Such refunds shall be authorized for the purpose of repaying any other erroneous receipts under such act, for the purpose of repaying any tax, penalty, or interest illegally assessed or collected, or for the purpose of paying any judgement rendered against the tax commission under the terms and provisions of the transfer and inheritance tax act.

(c) The balance remaining after distributing the amount in subsections (a) and (b) of this section shall be distributed into the water pollution control account.

SECTION 3. That Section 23-1008, Idaho Code, be, and the same is hereby amended to read as follows:

23-1008. TAX -- ~~STAMPS------REFUNDS~~ DISTRIBUTION -- Rules -- Reports. (1) A tax of ~~three~~ four dollars and ~~ten~~ sixty-five cents ($~~3.10~~ 4.65) per barrel of thirty-one (31) gallons, ~~of--which--tax ninety-three-cents-(93¢)-per-barrel-shall-be-deposited-directly-to-the credit---of--the--alcoholism--treatment--account--created--by--section 23-217(e),-Idaho-Code,-to-which-shall-be-added-an--additional--tax--of one--dollar-and-fifty-five-cents-($1.55)-per-barrel-of-31-gallons,~~ and a like rate for any other quantity or fraction thereof, is hereby levied and imposed upon each and every barrel of beer sold for use within the state of Idaho. ~~The-proceeds-of-the-additional--tax--hereby imposed--shall--be--deposited--directly-to-the-credit-of-the-permanent building-account.~~

~~(2)--The-payment-of-the-tax-hereby-imposed-shall-be--evidenced--by the--affixing--of-tax-stamps-to-each-barrel-or-keg-of-beer-and-to-each case-or-carton-containing-bottles-or-cans-of-beer.-Such--stamps--shall be--canceled--by-the-person-affixing-the-same.-Provided,-however,-that nothing-in-this-act-shall-be-construed-to-require,-or--to--permit--the state-tax-commission-to-require,-the-affixing-of-tax-stamps-to-bottles or-cans-of-beer.~~

~~Wholesalers--may--purchase--stamps--from--the-commission-and-shall affix,-in-the-manner-prescribed,-the-proper-tax-stamps-to-each--barrel or-keg-of-beer-and-to-each-case-or-carton,-containing-bottles-or-cans, of--beer--to--be--consumed--or--sold-in-this-state-or-to-be-shipped-or transported-in-this-state-for-consumption-or-sale-herein.~~

~~Before-any-wholesaler-within-this-state-shall-sell-or-deliver--any beer--to--any--purchaser-or-consumer-within-this-state,-each-barrel-or keg-of-beer-and-each-case-or-carton,-containing--bottles--or--cans--of beer--must--bear-the-proper-tax-stamp-tax,-affixed-and-canceled-in-the manner-required.~~

~~Upon-receipt-by-the-commission-of-an-application-for--tax--stamps, accompanied--by-proper-remittance-in-payment-of-the-tax-represented-by such-stamp,-the-commission-shall-sell-and-deliver-such-tax--stamps--so ordered-to-wholesalers.~~

Any wholesaler who shall sell beer, upon which the tax herein imposed has not been paid ~~or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed,~~ and any person who shall purchase, receive, transport, store or sell any beer upon which the tax herein imposed has not been paid, ~~or upon the barrel, keg, case or carton to which the proper tax stamps have not been affixed,~~ shall be guilty of a misdemeanor, and any beer so purchased, received, transported, stored or possessed or sold shall be subject to seizure by the commission, any inspector or investigator of the commission, or by any sheriff, constable or other police officer, and same may be removed and kept for evidence. Upon conviction of any person for violation of this section, the said beer, and all barrels, kegs, cases, cartons and cans containing the same shall be forfeited to the state of Idaho, and, in addition, the person so convicted shall be subject to the other penalties in this act prescribed.

Beer and all barrels, kegs, cases, cartons or cans so forfeited to the state of Idaho shall be sold by the commission at public auction to any brewer, wholesaler or retailer, licensed under the provision of this act, making the highest bid. Such sale shall be held at such place and time as may be designated by the commission after reasonable notice thereof given in such manner and for such time as the commission may by regulation prescribe. From the purchase price received upon such sale, the commission shall first deduct an amount sufficient to pay the tax due on such beer, ~~and shall affix the proper amount of stamps to the barrels, cases or cartons as herein required,~~ and to pay all costs incurred in connection with such sale. The commission shall deposit the balance remaining with the state treasurer, who shall place the same in the general account of the state of Idaho, and it shall become a part thereof.

~~Wholesalers shall be entitled to monthly refunds on all breakages in transit and on all beer exported from the state of Idaho.~~

~~The state tax commission is hereby empowered, and it shall the commission's duty, to make reasonable regulations governing the form and denominations of said revenue stamps, the manner of affixation, the procedure for making refunds, and the manner and places of sale of said stamps. Such rules and regulations shall be promulgated by filing the same with the secretary of state.~~

(2) The revenues received from the taxes, interest, penalties, or deficiency payments imposed by this section shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by law to be paid by the tax commission shall be paid through the state refund account and those moneys are continuously appropriated.

(b) The balance remaining after distributing the amount in paragraph (a) of this subsection shall be distributed as follows:

(i) Thirty percent (30%) shall be distributed to the alcoholism treatment acount;

(ii) Thirty-three percent (33%) shall be distributed to the permanent building account; and

(iii) The remainder shall be distributed to the general

account.

(3) The commission is ~~hereby~~ empowered, and it shall be the commission's duty to prescribe rules and regulations~~;--~~:

(a) For reports by carriers for hire and also all other carriers owned and/or employed, directly or indirectly, by out of state brewers, dealers or other persons, of all deliveries of beer in and into the state of Idaho, stating especially the origin and destination of the beer, the quantity thereof, and also the names and addresses, respectively of the consignors and consignees.

(b) For reports by out of state brewers and manufacturers of beer, of all shipments by them of beer into the state of Idaho, stating especially the matters mentioned in ~~subsection~~ paragraph (a) ~~hereof~~ this subsection.

SECTION 4. 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 23-1054, Idaho Code, and to read as follows:

23-1054. REFUND OF TAXES. (1) If the tax commission determines that any amount due under this chapter has been paid more than once or has been erroneously or illegally collected or computed, the commission shall set forth that fact in its records and the excess amount paid or collected may be credited on any amount then due and payable to the commission from that person and any balance refunded to the person by whom it was paid or to his successors, administrators or executors. The tax commission is authorized and the state board of tax appeals is authorized to order the tax commission in proper cases to credit or refund such amounts whether or not such payments have been made under protest and certify such refund to the state board of examiners.

(2) No such credit or refund shall be allowed or made after three (3) years from the time the payment was made, unless before the expiration date of that period a claim therefor is filed by the taxpayer. The three (3) year periods allowed by this section for making refunds or credit claims shall not apply in cases where the tax commission asserts a deficiency of tax imposed by this chapter and taxpayers desiring to appeal or otherwise seek a refund of amounts paid in obedience to those deficiencies must do so within the time limits elsewhere prescribed by law.

SECTION 5. That Section 23-1319, Idaho Code, be, and the same is hereby amended to read as follows:

23-1319. EXCISE TAX -- SALES INCLUDED -- REFUND FOR EXPORT SALES -- REFUND FOR BREAKAGE OR SPOILAGE -- DISTRIBUTION OF REVENUE. Upon all wines sold by a distributor or winery to a retailer or consumer for use within the state of Idaho pursuant to this act there is hereby imposed an excise tax of forty-five cents (45¢) per gallon on all wines produced outside the state of Idaho, ~~of--which--tax--five--cents (5¢)-per-gallon-shall-be-deposited-directly-to-the-credit-of-the-alcoholism--treatment-account-created-by-section-23-404(b)(i),-Idaho-Code,~~

and there is hereby imposed an excise tax of twenty cents (20¢) per gallon on all wines produced inside the state of Idaho ~~of which tax five cents (5¢) per gallon shall be deposited directly to the alcoholism treatment account created by section 23-404(b)(i), Idaho Code.~~ Sales of wine by a distributor or winery for the purpose of and resulting in export of wine from this state for resale outside this state shall be exempt from the taxes on wine imposed by this ~~act~~ chapter.

(a) Every sale of wine by a distributor to a retailer shall constitute a sale of wine for resale or consumption in this state, whether ~~said~~ the sale is made within or without this state, and ~~such~~ the distributor shall be liable for the payment of taxes ~~thereon~~. In every transfer of wine by a licensed winery to its licensed retail outlet, the winery shall be liable for payment of taxes ~~thereon~~.

(b) ~~When wine has been destroyed by breakage or has spoiled or otherwise become unfit for beverage purposes after payment of taxes thereon, such distributor or winery, upon satisfactory proof of destruction or spoilage, shall be entitled to a refund of taxes paid thereon. Claims for refund shall not be required to be processed unless and until the total claim for refund is in excess of the sum of two hundred dollars ($200).~~

When wine has been destroyed by breakage or has spoiled or otherwise become unfit for beverage purposes prior to payment of taxes ~~thereon~~ it, the distributor, upon satisfactory proof of destruction or spoilage, shall be entitled to deduct from existing inventories, subject to tax, the amount of wine so destroyed or spoiled.

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

(d) No credit or refund shall be allowed or made after three (3) years from the time the payment was made, unless before the expiration of that period a claim is filed by the taxpayer. The three (3) year period allowed by this subsection for making refunds or credit claims shall not apply in cases where the tax commission asserts a deficiency of tax imposed by law, and taxpayers desiring to appeal or otherwise seek a refund of amounts paid in obedience to deficiencies must do so within the time limits elsewhere prescribed by law.

(e) All revenue received pursuant to this chapter shall be distributed as follows:

(1) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims as authorized in subsection (c) of this section and those moneys are continuously appropriated.

(2) The balance remaining after distributing the amount in para-

graph (1) of this subsection shall be distributed as follows:

(a) Twelve percent (12%) shall be distributed to the alcoholism treatment account; and

(b) The remainder shall be distributed to the general account.

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

47-1208. TAX DEFICIENCY COLLECTION AND ENFORCEMENT PROCEDURES. The deficiency in tax and notice of deficiency as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3033, 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 a license tax for the privilege of mining lien or proceeding.

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

SECTION 7. That Section 50-1049, Idaho Code, be, and the same is hereby amended to read as follows:

50-1049. COLLECTION AND ADMINISTRATION OF LOCAL-OPTION NONPROPERTY TAXES BY STATE TAX COMMISSION -- DISTRIBUTION. (a) A city which has levied a tax pursuant to section 50-1044, Idaho Code, may contract with the state tax commission for the collection and administration of such taxes in like manner and under the definitions, rules and regulations of the tax commission for the collection and administration of the state sales tax under chapter 36, title 63, Idaho Code. ~~Monthly, following receipt by the state tax commission of revenues from such city tax levies pursuant to section 50-1044, Idaho Code, the state tax commission shall remit the same to the city levying such tax, less a deduction for such fee as may be agreed upon between the commission and such city for the commission's actual cost for the collection and administration of the tax.~~ A city which levies such tax shall have the right to review and audit the records of collection thereof maintained by the commission and the returns of taxpayers relating to such tax. Alternatively, such city shall have authority to administer and collect such tax.

(b) All revenues collected by the tax commission pursuant to section 50-1044, Idaho Code, shall be distributed as follows:

(1) An amount of money shall be distributed to the state refund

account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid through the state refund account and those moneys are continuously appropriated;

(2) An amount of money equal to such fee as may be agreed upon between the commission and such city for the actual cost of the collection and administration of the tax. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost at the end of each fiscal year shall be distributed as provided in paragraph (3) of this subsection;

(3) All remaining moneys received pursuant to this chapter shall be placed in an account designated by the state auditor and remitted monthly to the city levying such tax.

SECTION 8. That Section 63-2412, Idaho Code, be, and the same is hereby amended to read as follows:

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, or from the fees imposed by the commission under the provisions of section 63-2409, Idaho Code, shall be distributed periodically as follows:

(a) ~~As soon as possible after the beginning of each fiscal year,~~ aAn 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~~ it shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (e) of this subsection ~~on that date~~.

(b) An amount of money shall be distributed to the state refund account~~, in the trust and agency fund,~~ sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of one hundred thousand dollars ($100,000) shall be distributed 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) As soon as possible after the beginning of each fiscal year, the sum of fifty thousand dollars ($50,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

(e) From the balance remaining with the commission after distributing the amounts in paragraphs (a), (b), (c) and (d) of subsec-

tion (1) of this section:

1. One percent (1%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code, until the distribution equals three hundred thousand dollars ($300,000), at which time the one percent (1%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code;

2. One percent (1%) shall be distributed to the off-road motor vehicle account as created in section 57-1901, Idaho Code, until the distribution equals three hundred thousand dollars ($300,000), at which time the one percent (1%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code; and

3. Ninety-eight percent (98%) shall be distributed to the highway distribution account, created in section 40-701, 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 distributed to the state refund account~~, in the trust and agency fund,~~ sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated ~~for that purpose~~.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

SECTION 9. That Section 63-2418, Idaho Code, be, and the same is hereby amended to read as follows:

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, or from the fees imposed by the commission under the provisions of section 63-2438, Idaho Code, shall be distributed ~~periodically~~ 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 shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the special fuels tax requirements by the commission at the end of each fiscal year shall be distributed to the highway distribution account.

(2) An amount of money shall be distributed to the state refund account ~~in the trust and agency fund,~~ sufficient to pay current refund claims. All refunds authorized by the commision to be paid under this chapter shall be paid from the state refund account, those moneys being hereby continuously appropriated ~~for that purpose~~.

(3) The balance remaining with the commission after distributing

the amounts specified in subsections (1) and (2) of this section shall be distributed to the highway distribution account, ~~created~~ established in section 40-701, Idaho Code.

SECTION 10. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this ~~act~~ chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be ~~paid-over-to-the-state-treasurer-by-the-state-tax-commission-to--be~~ distributed by the tax commission as follows:

(a) ~~To--the-cigarette-tax-refund-account-in-state-operating-fund, and-from-which-all-refunds-authorized-to-be-paid-by-this-act-shall--be paid,--the--amount--of-money-necessary-to-maintain-such-account-at-the monthly-balance-of-three-thousand-dollars-($3,000)-or-such-greater-sum as-will-in-the-judgment-of-the-state-tax-commission-meet--any--reasonable--requirement--imposed-upon-such-account.~~ An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) The balance remaining with the state treasurer after deducting the amount described in paragraph (a) above shall be distributed as follows:

(1) 10.989% of such balance shall be distributed to the permanent building account created by section 57-1108, Idaho Code.

(2) 10.989% of such balance shall be distributed to the water pollution control account.

(3) 1.099% of such balance shall be distributed to the central tumor registry account. The amount of money so distributed to the central tumor registry account shall not exceed one hundred thousand dollars ($100,000) per fiscal year, and at such time as one hundred thousand dollars ($100,000) has been distributed to the central tumor registry account during any fiscal year, all such distributions in excess of one hundred thousand dollars ($100,000) shall be made instead to the general account of the state of Idaho.

(4) 3.645% of such balance shall be distributed to the cancer control account created by section 57-1702, Idaho Code. Revenues received in the cancer control account shall be paid over to the state treasurer by the state tax commission to be distributed as follows:

(i) Such amounts as are appropriated for purposes specified in section 57-1702, Idaho Code, shall be expended as appropriated;

(ii) Any balance remaining in the cancer control account on June 30 of any fiscal year after the amounts withdrawn by appropriation have been deducted, shall be reserved for transfer to the general account on July 1 and the state auditor shall order such transfer.

(5) All remaining moneys shall be distributed to the general

account of the state of Idaho.

SECTION 11. That Section 63-2564, Idaho Code, be, and the same is hereby amended to read as follows:

63-2564. DISTRIBUTION OF TAX REVENUES. (1) The revenues received from the taxes imposed by section 63-2552, Idaho Code, and any penalties, interest, or deficiency additions, shall be ~~paid over to the state treasurer by the commission to be~~ distributed by the tax commission as follows:

(a) An amount of money ~~necessary to maintain the tobacco products refund account in the state operating fund, and from which all refunds authorized to be paid by this act shall be paid, at a monthly balance of one thousand dollars ($1,000) or at such greater sum as in the opinion of the commission may be needed to meet reasonable requirements imposed on the tobacco products tax refund account~~ shall be distributed to the state refund account, sufficient to pay current refund claims. All refunds authorized by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(b) From the balance remaining with the state treasurer after deducting the amounts in (a) above, all remaining moneys shall be remitted directly to the water pollution control account ~~created~~ established in chapter 36, title 39, Idaho Code, and ~~the same~~ shall be remitted to ~~said~~ that account periodically, but no less frequently than quarterly.

SECTION 12. That Section 63-2702, Idaho Code, be, and the same is hereby amended to read as follows:

63-2702. PAYMENT OF TAX -- INTEREST ON DELINQUENCIES. Said license tax shall be remitted with the statement and paid on or before the fifteenth day of each month, to the state tax commission, who ~~shall receipt therefor and promptly turn same over to the state treasurer, as other receipts of his office, and the state treasurer shall place same to the credit of~~ which shall distribute all moneys collected under this section to the general ~~fund~~ account. Taxes not paid on the due date shall become delinquent and shall bear interest from said due date at the rate provided in section 63-3045, Idaho Code.

SECTION 13. 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 depos-

iting 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, for the purpose of depositing in the children's trust 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-w~~. 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 14. That Section 63-3067A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067A. DESIGNATION BY INDIVIDUALS -- FISH AND GAME TRUST ACCOUNT. (a) 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 fish and game trust account.

(b) Every individual who has an income tax liability may, in addition to their tax obligation, include a donation to be deposited with the state treasurer which shall be placed in the fish and game trust 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 funds into the fish and game trust

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 fish and game trust account funds. The amount retained by the commission shall not exceed the appropriation authorized to be expended by the legislature. Any unencumbered balance in excess of the actual cost of collecting and administering the fish and game donations by the commission at the end of each fiscal year shall be distributed to the fish and game trust account.

SECTION 15. That Section 63-3067B, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067B. DESIGNATION BY INDIVIDUALS -- UNITED STATES OLYMPIC ACCOUNT. (a) Beginning with tax year 1982, every individual who claims an overpayment of taxes under this chapter, may designate a portion of the amount, not to exceed five dollars ($5.00), to be deposited in the United States olympic account which is hereby created in the dedicated fund.

(b) Every individual who has an income tax liability may, in addition to their tax obligation, include a donation not exceeding five dollars ($5.00), to be deposited with the state treasurer which shall be placed in the United States olympic account.

(c) A designation under subsection (a) or (b) of this section may be made in any taxable year in such a 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) No less than annually, the state auditor shall draw a warrant payable to the United States olympic committee, which is a congressionally chartered corporation under public law 95-606--36 USC 371 et seq., upon presentation of proper vouchers from the state tax commission. The amount of the warrant shall be the amount which has been designated by the contributing individuals as provided in subsections (a) and (b) of this section, and credited to the United States olympic account in the dedicated fund as certified by the state tax commission for the period indicated.

(e) Prior to the transfer of funds into the United States olympic account from the refund account established by section 63-3067, Idaho Code, the state tax commission shall retain sufficient funds for the commission's ~~direct--and~~ actual cost of collection and administration of the United States olympic account funds. The amount retained by the commission shall not exceed the appropriation authorized to be expended by the legislature. Any unencumbered balance in excess of the actual cost of collecting and administering the U.S. olympic donations by the commission at the end of each fiscal year shall be distributed to the United States olympic account.

SECTION 16. That Section 63-3067C, Idaho Code, be, and the same is hereby amended 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. The amount retained by the commission shall not exceed the appropriation authorized to be expended by the legislature. Any unencumbered balance in excess of the actual cost of collecting and administering the drug enforcement donations by the commission at the end of each fiscal year shall be distributed to the drug enforcement account.

SECTION 17. That Section 63-3067D, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067D. DESIGNATION BY INDIVIDUALS -- CHILDREN'S TRUST ACCOUNT. (a) Beginning with tax year 1985, every individual who has a refund due and payable for overpayment of taxes under this chapter may designate all or any portion thereof to be deposited in the children's trust account which is created in section 39-6007, Idaho Code.

(b) Beginning with tax year 1985, 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 children's trust 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) No less than quarterly, the tax commission shall transfer the moneys collected from contributing individuals pursuant to subsection (a) or (b) of this section to the children's trust account.

(e) Prior to transfer of money into the children's trust 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 children's trust account moneys. The amount retained by the commission shall not exceed the appropriation authorized to be expended by the legislature. Any unencumbered balance in excess of

the actual cost of collecting and administering the children's trust donations by the commission at the end of each fiscal year shall be distributed to the children's trust account.

(f) After a total of two million five hundred thousand dollars ($2,500,000) has been distributed to the children's trust account, the provisions of this section shall no longer be of any force and effect and the state tax commission shall delete the provisions required by subsections (a), (b) and (c) from its tax forms.

SECTION 18. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX ~~ACCOUNT------CREATION------SALES--TAX-REFUND ACCOUNT----APPROPRIATIONS~~ --DISTRIBUTION. ~~(a)-There-is-hereby-created in-the-office-of-the-state-treasurer-and-subject-to--his--control--and custody--in-the-state-operating-fund-an-account-to-be-known-and-designated-as-the-"Sales-Tax-Account."~~

~~(b)~~ All moneys collected under this ~~act~~ chapter shall be ~~paid~~ distributed by the tax ~~collector-into-the-sales-tax-account.~~ commission as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized under this chapter by the commission shall be paid through the state refund account, and those moneys are continuously appropriated.

(~~c~~b) Five hundred thousand dollars ($500,000) per year is ~~hereby~~ continuously appropriated and ~~set--aside-and~~ shall be ~~paid-from-the sales-tax-account~~ distributed to the permanent building account, provided by section 57-1108, Idaho Code.

(~~d~~c) Four million eight hundred thousand dollars ($4,800,000) per year is ~~hereby~~ continuously appropriated and ~~set-aside-and~~ shall be ~~paid-from-the-sales-tax-account~~ distributed to the water pollution control account ~~created~~ established by section 39-3605, Idaho Code.

(~~e~~d) An amount equal to the sum required to be certified by the chairman of the Idaho housing agency to the state tax commission pursuant to section 67-6211, Idaho Code, in each year is ~~hereby~~ continuously appropriated and ~~set-aside-and~~ shall be paid ~~from-the-sales-tax account~~ to any capital reserve fund, established by the Idaho housing agency pursuant to section 67-6211, Idaho Code. Such amounts, if any, as may be appropriated hereunder to ~~such~~ the capital reserve fund of the Idaho housing agency shall be repaid ~~to-the-sales-tax-account~~ for distribution under the provisions of this section, subject to the provisions of section 67-6215, Idaho Code, by the Idaho housing agency, as soon as possible, from any moneys available therefor and in excess of the amounts which the agency determines will keep it self-supporting.

(~~f~~e) Seven and one-half percent (7.5%) is hereby appropriated and shall be paid ~~from-the-sales-tax-account~~ to the county treasurer of each county in amounts to be determined ~~in-accordance-with--subsection (h)-of-this-section.~~ as follows:

~~(g)--The--payments--required-by-this-section-shall-be-made-periodically-but-no-less-frequently-than-quarterly.~~

~~(h)~~ (1) ~~A--percentage--shall--be--computed---that---each---taxing~~

~~district's--share--of--sales--tax-moneys,-except-school-districts, bears-to-the-total-amount--of~~ Each taxing district other than school districts shall be entitled to a base share of sales tax moneys equal to the amount distributed to ~~each--taxing~~ that district~~,-except-school-districts,~~ for the fourth calendar quarter of 1979~~,--as-provided-in-subsection-(f).--Such~~. The computation shall not include any distributions made to the credit of either the former county school levy or the state water pollution control levy. ~~Such~~ The percentage so determined for each taxing district shall be applied each quarter to the ~~amount-of-sales-tax-account appropriated-under-subsection-(f)~~ above percentage of sales tax. The resulting sums shall be paid to the county treasurer of each county for distribution to each taxing district, except school districts, which received sales tax moneys in 1979. Whenever a taxing district is dissolved, the dissolved district's share of sales moneys shall be credited continuously to the county current expense fund.

(2) ~~Furthermore,-w~~Whenever the amount of nonschool district sales tax moneys ~~appropriated-under-subsection-(f)~~ distributed exceeds in any quarter~~,~~ the total amount of moneys distributed to nonschool districts for the base quarter, which is the fourth calendar quarter of 1979, by ten percent (10%), or more, the excess of the base quarter shall be paid to the county treasurer of each county for distribution to each taxing district in the county, except school districts, ~~as--provided--in-subsection-(3)~~ in the following manner.

~~(3)~~ The state tax commission shall compute the percentage that the average amount of taxes collected from assessments for the years 1965, 1966 and 1967 on the personal property described as business inventory in section 63-105Y, Idaho Code, for each county bears to the average total amount of taxes collected from assessments for said years on the personal property described as business inventory in section 63-105Y, Idaho Code, for all counties in the state. ~~Such~~ The percentage so determined for each county shall be applied to the ~~amount--of~~ sales tax ~~account-appropriated~~ distributed under this subsection ~~(f)-herein~~ and the resulting sum shall be paid to the county treasurer of each county for distribution to each taxing district, except school districts, in the county as follows:

(i) The county commissioners in each county shall take the tax charge, applicable to the first real and personal property rolls equalized by county commissioners sitting as a board of equalization, of each taxing district within the county, except school districts, and divide it by the total current tax charges applicable to those first real and personal property rolls of all taxing districts, except school districts, within said county and the resulting percentages shall be applied to the county's proportionate share of said sales tax account and the resulting amount shall be distributed to each taxing district in the county periodically but not less frequently than quarterly by the county auditor and applied by such taxing districts in the same manner and in

the same proportions as revenues from ad valorem taxation.

(ii) The moneys set aside and appropriated to the county treasurer out of the sales tax account above may be considered by the counties and other taxing districts and budgeted against at the same time, in the same manner and in the same year as revenues from taxation on all classes of personal property which these moneys replace.

(3) All moneys distributed pursuant to subsection (e) shall be subject to the redistribution provisions of section 40-801, Idaho Code, where applicable.

(~~i~~f) ~~Notwithstanding the provisions of subsections (f) and (h) of this section,~~ o~~O~~ne dollar ($1.00) on each application for certificate of title to a motor vehicle, or initial application for registration processed by the county assessor excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county in collecting such taxes, and shall be paid into the current expense fund of the county.

~~(j) An amount equal to five per cent (5%) of the amount deposited in the sales tax account, but not in excess of fifty thousand dollars ($50,000), shall be retained in this account as a "Sales Tax Refund Account" for the purpose of repaying overpayments made under this act and for the purpose of paying any other erroneous receipt illegally assessed or collected, penalties collected without authority and taxes and other amounts unjustly assessed, collected, or which are excessive in amount, and there is hereby appropriated from this account so much thereof as may be necessary for the payment of the refunds herein provided for. The balance of the sales tax refund account in excess of fifty thousand dollars ($50,000) shall be transferred to the general account.~~

(~~k~~g) Six and one-quarter per cent (6.25%) is hereby continuously appropriated and shall be ~~paid from the sales tax account~~ distributed to the revenue sharing account which is hereby created in the state operating fund, and the moneys in the revenue sharing account ~~are hereby appropriated to the state auditor for payment~~ will be paid by the tax commission as follows:

(1) One-half (1/2) shall be paid to the various cities as follows:

(i) Fifty per cent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the population of that city bears to the population of all cities within the state; and

(ii) Fifty per cent (50%) of such amount shall be paid to the various cities, and each city shall be entitled to an amount in the proportion that the preceding year's market value for assessment purposes for that city bears to the preceding year's market value for assessment purposes of all cities within the state.

(2) One-half (1/2) shall be paid to the state's general account or to the various counties as follows:

(i) An amount equal to the appropriation made from the general account in the current fiscal year to the catastrophic

health care account, but not to exceed four and one-half million dollars ($4,500,000), shall be paid by the state auditor to the general account; and

(ii) One million three hundred twenty thousand dollars ($1,320,000) shall be distributed one forty-fourth (1/44) to each of the various counties; and

(iii) The balance of such amount shall be paid to the various counties, and each county shall be entitled to an amount in the proportion that the population of that county bears to the population of the state.

~~The--state--auditor--shall--make-such-payments-no-less-frequently-than quarterly.~~

(~~l~~h) Any moneys remaining ~~in-the-sales-tax-account~~ over and above those necessary to meet and reserve for payments under other subsections of this section shall be ~~paid-periodically,-but-no-less-frequently-than-quarterly,~~ distributed to the general account.

~~(m)--The-appropriations-herein-provided-shall-not--be--subject--to the-provisions-of-the-"Standard-Appropriations-Act-of-1945."~~

SECTION 19. That Section 67-4718, Idaho Code, be, and the same is hereby amended to read as follows:

67-4718. ASSESSMENT -- COUNCIL ACCOUNT. (1) From and after January 1, 1985, there is hereby levied and imposed an assessment at the rate of two percent (2%) of the amount of a sale as defined in section 67-4711, Idaho Code. The receipts from the assessment levied by this section shall be paid to the state tax commission in like manner, and under the definitions, rules and regulations of said commission for the collection and administration of the state sales tax under chapter 36, title 63, Idaho Code. No assessment shall be collected where there is an original written agreement that the space is to be occupied by the same person pursuant to a lease or similar agreement for a period in excess of twenty-nine (29) days.

(2) ~~All-moneys-received-pursuant-to-this-act-shall-be--paid--into the--state--treasury,--and-shall-be,-by-the-state-treasurer,-placed-to the-credit-of-the-dedicated-fund-in-an-account--to--be--known--as--the "Idaho--travel-and-convention-account,"-and-all-such-moneys-are-hereby set-aside-and-appropriated-to-the-department-to-administer-pursuant-to the-provisions-of-this-act.~~

(~~3~~) The council may, by duly adopted resolution, determine that a lesser amount of assessment shall be imposed and the department shall certify such lesser assessment rate to the state tax commission; the rate of assessment shall be that amount so certified. In the absence of such certification the rate of assessment shall be that rate set forth in subsection (1) of this section.

(~~4~~3) The assessment set forth herein shall be collected by the state tax commission in the same manner as provided in chapter 36, title 63, Idaho Code, for the collection of sales and use tax, and shall be ~~remitted-by-the-state-tax-commission-to-the-state-treasurer for-credit-to-the-Idaho-travel-and-convention-account.-Provided,--however,--that--prior-to-the-transfer-of-said-funds-by-the-state-tax-commission--the--commission--shall--retain--sufficient--funds---for---the~~

~~commission's--direct--actual-cost-of-the-collection-and-administration of-the-tax-imposed-by-the-provisions-of-this-section.~~ distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the tax commission to be paid shall be paid through the state refund account and those moneys are continuously appropriated.

(b) An amount of money equal to the actual cost of the collection and administration of the tax imposed by the provisions of this section shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost at the end of each fiscal year shall be distributed as provided in paragraph (c) of this subsection.

(c) All remaining moneys received pursuant to this chapter shall be distributed to the Idaho travel and convention account, established in the dedicated fund, and all such moneys are set aside and appropriated to the department to administer pursuant to the provisions of this chapter.

SECTION 20. That Section 67-4917C, Idaho Code, be, and the same is hereby amended to read as follows:

67-4917C. COLLECTION AND ADMINISTRATION OF HOTEL/MOTEL ROOM SALES TAX BY STATE TAX COMMISSION -- DISTRIBUTION. (1) A district which has levied a sales tax pursuant to section 67-4917B, Idaho Code, may contract with the state tax commission for the collection and administration of the tax in like manner, and under the definitions, rules and regulations of said commission for the collection and administration of the state sales tax under chapter 36, title 63, Idaho Code, on receipts from the furnishing of hotel and motel rooms. ~~Monthly, following--receipt--by--the-state-tax-commission-of-revenues-from-such district-hotel/motel-room-sales-tax,-the-state--tax--commission--shall remit--the--same--to--the-auditorium-district-levying-such-tax,-less-a deduction-for-such-fee-as-may-be-agreed-upon--between--the--commission and--the--board--of-such-district-for-the-commission's-actual-cost-for the-collection-and-administration-of-the-tax.~~ A district which levies such tax shall have the right to review and audit the records of collection thereof maintained by the commission and the returns of hotel and motel owners and operators. Alternatively, such district shall have authority to administer and collect such tax.

(2) All revenues collected by the tax commission pursuant to section 67-4917B, Idaho Code, shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the tax commission to be paid shall be paid through the state refund account and those moneys are continuously appropriated.

(b) An amount of money equal to the actual cost of the collection and administration of the tax imposed by the provisions of this

section shall be retained by the tax commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost at the end of each fiscal year shall be distributed as provided by paragraph (c) of this subsection.

(c) All remaining moneys received pursuant to this chapter shall be placed in an account designated by the state auditor and remitted monthly to the district levying the tax.

Approved March 24, 1986.

CHAPTER 74
(H.B. No. 475, As Amended)

AN ACT

RELATING TO DEPOSITS OF PUBLIC MONEYS; AMENDING TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2154, IDAHO CODE, TO PROVIDE THAT ANY STATE CREDIT UNION OR FEDERAL CREDIT UNION LOCATED WITHIN IDAHO MAY BECOME A STATE DEPOSITORY BY MAKING APPLICATION FOR THAT PURPOSE TO THE STATE TREASURER AND TO PROVIDE THAT THE STATE OR FEDERAL CREDIT UNION MAY ACCEPT SUCH FUNDS AS NONMEMBER DEPOSITS; AMENDING TITLE 26, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 26-2155, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF QUALIFIED CREDIT UNIONS AS STATE DEPOSITORIES, TO PROVIDE REQUIREMENTS OF CREDIT UNIONS DESIGNATED AS DEPOSITORIES AND TO PROVIDE DUTIES OF THE STATE TREASURER; AMENDING SECTION 50-1013, IDAHO CODE, TO PROVIDE THAT A CITY TREASURER MAY BE DIRECTED AND EMPOWERED BY RESOLUTION TO INVEST ANY MONEY IN HIS HANDS IN TIME DEPOSIT ACCOUNTS AND OTHER DEPOSIT AND SHARE ACCOUNTS OF STATE OR FEDERAL CREDIT UNIONS LOCATED IN IDAHO; AMENDING SECTION 57-110, IDAHO CODE, TO EXPAND THE DEFINITION OF DESIGNATED DEPOSITORY; AMENDING SECTION 57-111, IDAHO CODE, TO PROVIDE THAT FEDERAL SAVINGS AND LOAN ASSOCIATIONS, STATE SAVINGS AND LOAN ASSOCIATIONS, FEDERAL CREDIT UNIONS, OR STATE CREDIT UNIONS, MAY BECOME DEPOSITORIES OF PUBLIC FUNDS; AMENDING SECTION 57-111A, IDAHO CODE, TO PROVIDE THAT THE TREASURER OF A DEPOSITING UNIT SHALL NOT DEPOSIT MONEY IN A FINANCIAL INSTITUTION WHICH HAS FAILED TO PAY ALL STATE AND LOCAL TAXES IT OWES; AMENDING SECTION 57-112, IDAHO CODE, TO PROVIDE THAT FINANCIAL INSTITUTIONS TO WHICH OFFICIALS ARE SECRETLY INDEBTED ARE INELIGIBLE TO BECOME A DEPOSITORY DURING THE INCUMBENCY OF THE OFFICIAL INDEBTED TO THE FINANCIAL INSTITUTION; AMENDING SECTION 57-113, IDAHO CODE, TO PROVIDE THAT EVERY DESIGNATED DEPOSITORY SHALL FILE WITH EACH DEPOSITING UNIT A REPORT ON ITS CAPITAL AND SURPLUS OR RESERVES AND UNALLOCATED OR UNDIVIDED EARNINGS, AS APPLICABLE; AMENDING SECTION 57-127, IDAHO CODE, TO PROVIDE THAT THE SUPERVISING BOARD OF A DEPOSITING UNIT SHALL CERTIFY TO THE TREASURER THE CAPITAL IN SURPLUS OR RESERVES AND UNALLOCATED OR UNDIVIDED EARNINGS, AS APPLICABLE, OF EACH PUBLIC DEPOSITORY;

AMENDING SECTION 57-127A, IDAHO CODE, TO PROVIDE A REFERENCE TO A DESIGNATED DEPOSITORY INSTEAD OF TO A STATE OR NATIONAL BANK; AMENDING SECTION 57-128, IDAHO CODE, TO PROVIDE THAT THE SUPERVISING BOARD OF A DEPOSITING UNIT SHALL DESIGNATE ONE OR MORE FINANCIAL INSTITUTIONS WITHIN ITS BOUNDARIES AS PUBLIC DEPOSITORIES; AMENDING SECTION 57-130, IDAHO CODE, TO PROVIDE A REFERENCE TO FINANCIAL INSTITUTIONS INSTEAD OF BANKS, AND TO STRIKE OBSOLETE LANGUAGE; AMENDING SECTION 57-133A, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE, TO CORRECT A TYPOGRAPHICAL ERROR, AND TO REPLACE THE TERM "BANK" WITH THE TERM "DESIGNATED DEPOSITORIES"; AMENDING SECTION 57-133B, IDAHO CODE, TO REPLACE THE TERM "BANK" WITH THE TERM "DESIGNATED DEPOSITORY"; AMENDING SECTION 57-139, IDAHO CODE, TO PROVIDE FOR THE USE OF THE TERM "DESIGNATED DEPOSITORIES"; AMENDING SECTION 57-141, IDAHO CODE, TO PROVIDE FOR THE USE OF THE TERM "DESIGNATED DEPOSITORY" INSTEAD OF THE TERM "BANK"; AMENDING SECTION 57-145, IDAHO CODE, TO PROVIDE FOR THE USE OF THE TERM "DESIGNATED DEPOSITORY"; AND AMENDING SECTION 67-1210, IDAHO CODE, TO PROVIDE THAT THE STATE TREASURER MAY INVEST IDLE MONEYS IN THE STATE TREASURY IN TIME DEPOSIT ACCOUNTS AND OTHER DEPOSIT AND SHARE ACCOUNTS OF STATE OR FEDERAL CREDIT UNIONS LOCATED IN THE STATE OF IDAHO.

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

SECTION 1. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2154, Idaho Code, and to read as follows:

26-2154. CREDIT UNIONS ELIGIBLE AS DEPOSITORIES. Notwithstanding any other provision of this chapter, any state credit union or federal credit union located within this state may become a state depository by making application for that purpose to the state treasurer and may accept such funds as nonmember deposits.

SECTION 2. That Chapter 21, Title 26, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 26-2155, Idaho Code, and to read as follows:

26-2155. DESIGNATION OF DEPOSITORY -- REPORTING OF RESERVES AND UNDIVIDED EARNINGS. (1) The state treasurer shall designate credit unions 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 above the total covered by federal insurance exceed at any one time, in the aggregate, the total of the reserves and undivided earnings of such credit union. In the event that any credit union has been designated as a depository under this chapter, such designation shall continue in force until revoked by the treasurer.

(2) Every credit union designated as a state depository and hold-

ing 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, file with the state treasurer the affidavit of one (1) of its officers showing the amount of the reserves and undivided earnings of such credit union. 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 credit union 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 credit union 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.

(3) The state treasurer is authorized in his or her discretion and from time to time to negotiate for the payment to designated state depositories of reasonable compensation for services rendered in acting as such depositors. The method and/or rate of such compensation and the terms and conditions thereof shall be fixed by the state treasurer after such negotiation, which may include the calling of bids for specific services. All bids received, whether by a formal bidding process or by negotiation, and the compensation fixed by the treasurer, which shall be in the form of a written agreement, shall be a matter of public record.

SECTION 3. 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 deposit accounts with public depositories.

(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 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) 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.

(m) Share, savings and deposit accounts of state and federal credit unions located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the national credit union share insurance fund and/or any other authorized share guaranty 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 4. That Section 57-110, Idaho Code, be, and the same is hereby amended to read as follows:

57-110. DESIGNATED DEPOSITORY. "Designated depository" is any national bank, ~~or--any~~ state bank, or trust company ~~other-than-those operating-branches,-and-any-banking-office-of-such-bank-or-trust--company-operating-branches-at-which-offices-deposits-are-received-complying-with-the-provisions-of-section-57-128,-and-engaged-in-the-business of--a--bank--of--deposit,~~ federal savings and loan association, state savings and loan association, federal credit union or state credit union, located in the state and designated as a depository by the supervising board.

SECTION 5. That Section 57-111, Idaho Code, be, and the same is hereby amended to read as follows:

57-111. ~~BANKS~~ FINANCIAL INSTITUTIONS ELIGIBLE AS DEPOSITORIES -- CERTAIN FUNDS OF IRRIGATION DISTRICTS UNDER SECTION 43-1198, IDAHO CODE. Any national bank, ~~or-any~~ state bank, or trust company ~~other than-those-operating-branches,-and-any-banking-office-of-any-such-bank or-trust-company-operating-branches--at--which--offices--deposits--are~~

~~received, complying with the provisions of section 57-128, and engaged in the business of a bank deposit in~~, federal savings and loan association, state savings and loan association, federal credit union or state credit union, located within the geographical boundaries of any depositing unit, may become a depository of the public funds of such depositing unit by making application therefor to its supervising board and may under the provisions of section 57-130, Idaho Code, become the depository of other depositing units within the state.

Provided, that moneys which have been or shall be hereafter derived by irrigation districts organized under and by virtue of the provisions of section 43-1198, Idaho Code, from the sale of coupon bonds for the payment of interest on bonds outstanding as provided by chapter 5, ~~of~~ title 43, Idaho Code, may be deposited in a depository designated within the state of Idaho as provided by this chapter, or in such other depository within or without the state of Idaho as shall be designated by resolution of the board of directors of the irrigation district, and upon such terms and conditions as shall be agreed upon by the directors of the irrigation district and the purchasers of the outstanding bonds: provided, however, that the funds available as aforesaid shall in no ~~wise~~ manner be dissipated or used for any purpose other than the payment of interest on outstanding bonds.

SECTION 6. That Section 57-111A, Idaho Code, be, and the same is hereby amended to read as follows:

57-111A. TREASURER OF DEPOSITING UNIT SHALL NOT DEPOSIT MONEY IN ANY BANK OR TRUST COMPANY WHICH HAS FAILED TO PAY ALL STATE AND LOCAL TAXES. The treasurer of a depositing unit shall not deposit moneys of a depositing unit in a ~~bank or trust company~~ financial institution which has failed to pay all state and local taxes it owes, including corporate income or franchise taxes upon its corporate income or franchise, sales and use taxes upon its purchases of tangible personal property, and real and personal property taxes upon property owned or leased by such ~~bank or trust company~~ financial institution.

SECTION 7. That Section 57-112, Idaho Code, be, and the same is hereby amended to read as follows:

57-112. BANKS TO WHICH OFFICIALS SECRETLY INDEBTED INELIGIBLE. No ~~bank~~ financial institution is eligible to become or remain a depository of public funds of any depositing unit to which the treasurer or auditor of the depositing unit, or any deputy of either of them is directly indebted, unless the fact of such indebtedness is made known to the supervising board, but the amount and character of such indebtedness shall not be open to public inspection, and the depositing board shall treat such information in strict confidence. Any member of the board violating this provision shall be guilty of a misdemeanor and punished therefor as provided by law.

In case of a violation by a depository of this provision, the supervising board shall immediately cause all funds therein to be withdrawn and such ~~bank~~ financial institution shall be ineligible again to become a depository during the incumbency of the official so

indebted to said ~~bank~~ financial institution.

SECTION 8. That Section 57-113, Idaho Code, be, and the same is hereby amended to read as follows:

57-113. REPORT ON CAPITAL AND SURPLUS. Every ~~banking--corporation or--national-banking-association~~ financial institution 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 or reserves and unallocated or undivided earnings, as applicable, of such ~~association--or--corporation~~ institution. In the event that such ~~corporation--or--association~~ institution 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~~ institution 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~~ institution 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 9. That Section 57-127, Idaho Code, be, and the same is hereby amended to read as follows:

57-127. DEPOSIT OF PUBLIC FUNDS -- DUTIES OF TREASURER AND SUPERVISING BOARD. Except where the public moneys of a depositing unit in the custody of the treasurer at any one (1) time are less than one thousand dollars ($1000), the treasurer shall deposit, and at all times keep on deposit, subject to the provisions of this law, in designated depositories, all public moneys coming into his hands, and it is hereby made the duty of said supervising board not less than once every six (6) months to certify to the treasurer the capital and surplus or reserves and unallocated or undivided earnings, as applicable, of each public depository, a copy of which certificate shall immediately be served on the treasurer by the supervising board or its clerk; provided, that with the approval of the supervising board of the depositing unit, the treasurer is authorized and empowered to invest surplus or idle funds of the depositing unit in investments permitted by section 67-1210, Idaho Code, and interest received on all such investments, unless otherwise required by law, shall be paid into

the ~~the~~ general fund of the depositing unit: and provided further, that as to all public moneys in the custody of the treasurer of a depositing unit for which there is no legal depository available under this chapter, it shall be the duty of the supervising board of the depositing unit to designate and place for the safekeeping of such public moneys, and until such designation it shall be the duty of the treasurer to deposit such excess sums on special deposit in ~~some bank or trust company~~ any public depository, and the expense of such service shall be borne by the depositing unit.

SECTION 10. 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~~ designated depository 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~~ designated depository 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~~ designated depository, except insofar as a violation by the treasurer of the prudent man investment rule contributes to any loss.

SECTION 11. That Section 57-128, Idaho Code, be, and the same is hereby amended to read as follows:

57-128. DESIGNATION OF DEPOSITORY. The supervising board shall designate one or more ~~banks~~ financial institutions 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 or reserves and unallocated or undivided earnings, as applicable, of such public depository. In the event that any ~~bank~~ financial institution 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 12. That Section 57-130, Idaho Code, be, and the same is hereby amended to read as follows:

57-130. DEPOSIT IN ~~BANKS~~ FINANCIAL INSTITUTIONS OUTSIDE OF DEPOSITING UNIT. Where there are no approved depositories in the depositing unit, or where the money in the treasury exceeds the amount which the designated depositories in the depositing unit are willing to accept,

the said excess moneys may be deposited in ~~banks~~ financial institutions outside of the depositing unit, but within the state of Idaho, which may be designated by the supervising board under the same conditions and subject to the same requirements as if in the depositing unit, and where the money in the treasury exceeds the amount which all designated depositories in the state are willing to accept, such excess may in that event and not otherwise, be deposited in banks outside the state, which banks shall be designated by the supervising board under the same conditions and subject to the same requirements as for designated depositories in the depositing unit. ~~Provided,--that the--provisions--of-section-57-128-shall-not-apply-to-deposits-made-in depositories-outside-the-depositing-unit.~~

SECTION 13. That Section 57-133A, Idaho Code, be, and the same is hereby amended to read as follows:

57-133A. FAILURE OF PUBLIC DEPOSITORIES TO MAINTAIN STANDARDS. ~~All--public--depositories--shall-be-governed-by,-subject-to,-and-shall comply-with-the-provisions-of-section-67-2743A,-section--67-2743B--and section--67-2743D,--Idaho--Code,-relating-to-state-depositories,-w~~When advised by the state investment board that a public depository has failed to maintain the standards of liquidity or otherwise to comply with the provisions of the public depository law or other laws, or with the regulations of the state investment board, the supervising board of a depositing unit shall:

(1) Notify the treasurer of the depositing unit in writing of such fuindings and direct the treasurer to withdraw, in whole or in part, the funds of the depositing unit on deposit with such ~~bank~~ designated depository, such withdrawal to be made within a time to be specified in such notice and in accordance with the provisions of section 57-131, Idaho Code; or

(2) Waive temporarily the requirements which have not been met if, in the opinion of the supervising board, such withdrawals would jeopardize the interests of depositors generally.

Funds withdrawn from a ~~bank~~ designated depository as herein provided shall by the treasurer be deposited with other depositories in the manner prescribed by the supervising board. The treasurer of the depositing unit shall not deposit additional funds with such a ~~bank~~ designated depository unless authorized to do so by the supervising board.

SECTION 14. That Section 57-133B, Idaho Code, be, and the same is hereby amended to read as follows:

57-133B. UNLAWFUL DISCLOSURE OF INFORMATION RELATING TO ~~BANKS~~ DESIGNATED DEPOSITORIES -- PENALTY. No member of a supervising board or employee in the office of the treasurer of a depositing unit may disclose any information obtained from any ~~bank~~ designated depository to any person not connected with the board or office of the treasurer, except to federal or state ~~bank~~ examiners having a lawful right to examine said ~~bank~~ designated depository or to proper officials legally empowered to investigate criminal charges relating to said ~~bank~~ desig-

nated depository or to any of its directors or employees. Any public official who violates any provision of this section shall forfeit his office or employment and shall also be guilty of a felony. Any person who is not lawfully entitled to such information and who attempts to obtain such information illegally or who misuses such information as he may have obtained shall be guilty of a felony.

SECTION 15. That Section 57-139, Idaho Code, be, and the same is hereby amended to read as follows:

57-139. OFFENSES BY TREASURER -- PENALTY. The making of profit, directly or indirectly, by the treasurer of any depositing unit out of any money in the treasury, belonging to the depositing unit, the custody of which the treasurer is charged with, by loaning or otherwise using it, or depositing the same in any manner contrary to law, or the removal by the treasurer or by his consent, of such moneys, or a part thereof, out of the vault or safe of the treasurer's department, after the same shall have been provided by the depositing unit, or out of any legal depository of such moneys, except for the payment of warrants, legally drawn, or for the purpose of depositing the same, under the provisions of this law, in ~~banks which shall have qualified as~~ any designated depositories, shall constitute a felony, and on conviction thereof, shall subject the treasurer to imprisonment in the state penitentiary for a term of not exceeding two (2) years, or a fine not exceeding five thousand dollars ($5,000), or to both such fine and imprisonment, and the treasurer shall be liable upon his official bond for all profits realized from such unlawful use of such funds.

SECTION 16. That Section 57-141, Idaho Code, be, and the same is hereby amended to read as follows:

57-141. BRIBERY OF TREASURER A FELONY -- PENALTY. The offering, or giving, directly or indirectly, by ~~any bank or~~ designated depository, or by any officer or stockholder thereof, or by any other person or persons in its or their behalf, or by its or their knowledge, acquiescence or authority, or in its or their interest, to the treasurer of any depositing unit, of any gift, compensation, reward or inducement, with the intent or for the purpose of inducing said treasurer to deposit public funds in any ~~bank~~ designated depository contrary to any law of this state, shall constitute a felony, and shall, upon conviction thereof, subject the person offending to imprisonment in the state penitentiary for a period not exceeding two (2) years, or to a fine not exceeding five thousand dollars ($5,000), or to both such fine and imprisonment.

SECTION 17. 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~~ DEPOSITORIES. All public and other moneys and funds in the official custody of any county offi-

cer 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 with interest in any ~~bank--or trust-company~~ designated depository 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~~ designated depository in said county, then in any ~~bank-or-trust-company~~ designated depository 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~~ designated depository 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~~ designated depository of funds deposited with it pursuant to the provisions of this act.

SECTION 18. That Section 67-1210, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

(d) Notes, bonds, debentures, or other similar obligations issued by the Farm Credit System or institutions forming a part thereof under the Farm Credit Act of 1971 [U.S.C., tit. 12, sections 2001-2259] and all Acts of Congress amendatory thereof or supplementary thereto; in bonds or debentures of the Federal Home Loan Bank Board established

under the Federal Home Loan Bank Act [U.S.C., tit. 12, sections 1421-1449]; in bonds, debentures and other obligations of the Federal National Mortgage Association established under the National Housing Act [U.S.C., tit. 12, sections 1701-1750g] as amended, and in the bonds of any federal home loan bank established under said act and in other obligations of 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 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 deposit accounts and 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 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.

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

(j) Share, savings and deposit accounts of state and federal credit unions located within the geographical boundaries of the state in amounts not to exceed the insurance provided by the national credit union share insurance fund and/or any other authorized deposit guaranty 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.

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 account of the state of Idaho. Provided, unless otherwise specifically provided by statute, funds received by the state pursuant to a federal law, regulation, or federal-state agreement which governs disposition of interest earned upon such funds shall be classified in the agency asset fund provided by section 57-811, Idaho Code. Any interest earned upon such funds shall be accounted for separately to give effect to the federal law, regulation, or federal-state agreement.

If the interest is to be credited to a separate account, to partially compensate for the amount of interest the general account would otherwise receive if such separate investment were not required, the state treasurer shall charge the account an investment administration fee equal to one-quarter of one percent (.25%) per year of the average daily balance of the account, including separate investments, if any, of that account. The fee may be charged monthly in an amount approximately one-twelfth of the fee which would be payable on an annual

basis. The amount of the investment administration fee shall constitute an appropriation from the account for which the investment administration services are rendered.

To partially compensate for the interest the general account has lost when such interest was diverted to certain state funds or accounts by statute authorizing them to be invested individually and receive their own interest, the state treasurer shall charge an investment administration fee to each such state fund or account, other than the general account, which receives investment income from investments administered by the office of state treasurer. The investment administration fee shall be equal to one-quarter of one percent (.25%) per year of the average daily balance of the fund or account, including separate investments, if any, of that fund or account. The fee may be charged monthly in an amount approximately one-twelfth of the fee which would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the fund or account for which the investment administration services are rendered.

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

Approved March 24, 1986.

CHAPTER 75
(H.B. No. 357)

AN ACT

RELATING TO HUNTING FROM MOTORIZED VEHICLES BY CERTAIN PHYSICALLY HANDICAPPED PERSONS; AMENDING SECTION 36-1101, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A SPECIAL PERMIT WHICH WOULD ALLOW A PHYSICALLY HANDICAPPED PERSON TO HUNT FROM A MOTORIZED VEHICLE WHICH IS NOT IN MOTION.

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

SECTION 1. That Section 36-1101, Idaho Code, be, and the same is hereby amended to read as follows:

36-1101. METHODS PROHIBITED -- EXCEPTIONS. It is a misdemeanor, except as may be otherwise provided under this title or commission regulations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state and provided further it is a misdemeanor for any person to:

(a) Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle~~.~~; provided however, that the commission shall promulgate rules and regu-

lations which shall allow a physically handicapped person to apply for a special permit which would allow the person to hunt from a motorized vehicle which is not in motion. A physically handicapped person means a person:

1. Who has lost, or has lost the use of, one (1) or both lower extremities or both hands, or who has the significant limitation in the use of the 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 assistance device.

2. 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 (po_2) is less than 60 mm/Hg on room air at rest.

3. 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.

The commission shall specify the form of application for and design of the special permit which shall allow a physically handicapped person to hunt from a motorized vehicle which is not in motion. No fee shall be charged for the issuance of the special permit and the issuance of a special permit shall not exempt a person from otherwise properly purchasing or obtaining other necessary licenses, permits and tags in accordance with this title and rules and regulations promulgated pursuant thereto. The special permit shall not be transferable and may only be used by the person to whom it is issued. A person who has been issued a special permit which allows a physically handicapped person to hunt from a motorized vehicle not in motion shall have that permit prominently displayed on any vehicle the person is utilizing to hunt from and the person shall produce, on demand, the permit and other identification when so requested by a conservation officer of the department of fish and game. A person possessing a special permit shall not discharge any firearm from or across a public highway. Any unauthorized use of the special permit shall be a misdemeanor and shall be grounds for revocation of the permit.

(b) Molest with Motorized Vehicles. Use any motorized vehicle to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.

(c) Communicate from Aircraft. Make use of aircraft in any manner to spot or locate game animals, game birds or fur-bearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

(d) Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations.

(e) Artificial Light. Hunt any animal or bird except raccoon by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing any animal or bird, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided further, nothing in this subsection shall prevent the hunting of unprotected or predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit.

Other provisions of this subsection notwithstanding, the commission may establish regulations allowing the hunting of raccoon with the aid of an artificial light.

(f) Regulation of Dogs.

1. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game animals of this state except as otherwise provided by regulations of the commission.

2. The owner of any dog found running at large and which is actively tracking, pursuing, harassing or attacking deer or any other big game animal within this state shall be guilty of a misdemeanor. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of their master.

3. Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

Approved March 24, 1986.

CHAPTER 76
(S.B. No. 1235)

AN ACT

RELATING TO THE YOUTH REHABILITATION ACT; AMENDING SECTION 16-1814, IDAHO CODE, TO REQUIRE REFERENCE TO REHABILITATION OR PREVENTION

OF OUT OF HOME PLACEMENT SERVICES PROVIDED IN A REPORT TO THE COURT.

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

SECTION 1. That Section 16-1814, Idaho Code, be, and the same is hereby amended to read as follows:

16-1814. DISPOSITION HEARING. (1) Upon the entry of an order finding the child is within the purview of the act, the court shall then hold a disposition hearing in the manner prescribed by the Idaho juvenile rules to determine the treatment, rehabilitation or detention sentence that will best serve the needs of the child and the public interest. Prior to the entry of an order disposing of the case, other than an order of discharge or dismissal, the court shall request and shall receive a report containing the results of an inquiry into the home environment, past history, rehabilitation or prevention of out of home placement services provided, social, physical and mental condition of the child. The court shall not consider or review the report prior to the entry of an order of adjudication. Upon presentation and consideration of the report by the court, the court may proceed to the disposition of the case as follows:

1. Place the child on formal probation for a period not to exceed one (1) year from the date of the order;
2. Commit the child to a period of detention, pursuant to this act, for a period of time not to exceed thirty (30) days for each unlawful or criminal act the child is found to have committed, or where the child has been adjudicated as an habitual status offender. No child who is found to come within the purview of the act for the commission of a status offense shall be sentenced to detention in a jail facility unless such an adjudication has been made that the child is an habitual status offender;
3. Commit the child to detention and suspend the sentence on specific probationary conditions;
4. Commit the child to the legal custody of the department of health and welfare for an indeterminate period of time not to exceed his or her nineteenth birthday, unless extended jurisdiction is necessary to complete the rehabilitation goals of the department, for appropriate disposition. When such a commitment order is entered, the child shall be transported to the facility designated by the department by the sheriff of the county where the child resides or is committed, or by appointed agent. Any order of commitment to the department shall be subject to review at least once every six (6) months. When committing a child to the department the court shall at once forward to the department a certified copy of the order of commitment;
5. Order the proceeding expanded or altered to include consideration of the cause pursuant to chapter 16, title 16, Idaho Code;
6. Order the case and all documents and records connected therein transferred to the magistrate division of the district court for the county where the child and/or parents reside if different than the county where the child was charged and found to have committed

the unlawful or criminal act, for the entry of a dispositional order;

7. Order medical care or psychological examination and treatment for the child;

8. Order such other terms, conditions, care or treatment as appears to the court will best serve the interests of the child and the community.

(2) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order the child to pay restitution to any victim who suffers an economic loss as a result of the child's conduct in accordance with the standards and requirements of section 19-5304, Idaho Code.

Approved March 22, 1986.

CHAPTER 77
(S.B. No. 1239)

AN ACT

RELATING TO THE TRANSFER OR EXCHANGE OF CONVICTED FOREIGN CITIZENS OR NATIONALS UNDER TREATY; AMENDING CHAPTER 1, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-104, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF CORRECTION TO TRANSFER CONVICTED FOREIGN CITIZENS OR FOREIGN NATIONALS WHEN SUCH TRANSFER IS AUTHORIZED BY TREATY.

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

SECTION 1. That Chapter 1, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-104, Idaho Code, and to read as follows:

20-104. TRANSFER OF CONVICTED FOREIGN CITIZENS OR NATIONALS UNDER TREATY. If a treaty in effect between the United States and a foreign country provides for the transfer or exchange of convicted offenders to the country of which they are citizens or nationals, the governor may, on behalf of the state and subject to the terms of the treaty, authorize the director of the department of correction to consent to the transfer or exchange of offenders and take any other action necessary to initiate the participation of this state in the treaty.

Approved March 22, 1986.

CHAPTER 78
(S.B. No. 1260, As Amended)

AN ACT

RELATING TO WATER DISTRICTS; AMENDING SECTION 42-604, IDAHO CODE, TO PROVIDE THAT WATER DISTRICTS SHALL BE CONSIDERED AN INSTRUMENTALITY OF THE STATE OF IDAHO FOR THE PURPOSE OF PERFORMING THE ESSENTIAL GOVERNMENTAL FUNCTION OF DISTRIBUTION OF WATER AMONG APPROPRIATORS; AMENDING SECTION 42-1765, IDAHO CODE, TO PROVIDE FOR THE APPORTIONMENT BETWEEN CONTRACT HOLDERS AND WATER DISTRICTS OF PROCEEDS FROM THE LEASE OF STORED WATER; AND AMENDING CHAPTER 6, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-613A, IDAHO CODE, TO AUTHORIZE WATER DISTRICTS TO RETAIN PROCEEDS FROM THE LEASE OF STORED WATER AND TO PROVIDE FOR THE CONTROL AND USE OF SUCH PROCEEDS.

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

SECTION 1. That Section 42-604, Idaho Code, be, and the same is hereby amended to read as follows:

42-604. CREATION OF WATER DISTRICTS. The department of water resources shall divide the state into water districts in such manner that each public stream and tributaries, or independent source of water supply, shall constitute a water district: provided, that any stream or water supply, when the distance between the extreme points of diversion thereon is more than forty (40) miles, may be divided into two (2) or more water districts: provided, that any stream tributary to another stream may be constituted into a separate water district when the use of the water therefrom does not affect or conflict with the rights to the use of the water of the main stream: provided, that any stream may be divided into two (2) or more water districts, irrespective of the distance between the extreme points of diversion, where the use of the waters of such stream by appropriators in one district does not affect or conflict with the use of the waters of such stream by appropriators outside such district: provided, that this section shall not apply to streams or water supplies whose priorities of appropriation have not been adjudicated by the courts having jurisdiction thereof.

Each water district created hereunder shall be considered an instrumentality of the state of Idaho for the purpose of performing the essential governmental function of distribution of water among appropriators.

SECTION 2. That Section 42-1765, Idaho Code, be, and the same is hereby amended to read as follows:

42-1765. LOCAL COMMITTEES -- RENTAL OF STORED WATER -- APPORTIONMENT OF RENTAL PROCEEDS. The water resource board may appoint local committees to facilitate the rental of stored water. The committee shall have the authority to market stored water between consenting

owners and consenting renters under rules and regulations adopted by the board. The director of the department of water resources may approve a general lease which the local rental committee may utilize to meet the approval requirements enumerated in section 42-1763, Idaho Code.

In exercising its authority under this section, the local rental committee shall determine, in advance, at the annual meeting of water users each year, that portion of the proceeds for the year from the lease of stored water to be paid to consenting contract holders of the storage water rights as reimbursement for their costs and that portion to be retained by the district in which the committee is located. Any proceeds retained by a district shall be used exclusively for public purposes as set forth in section 42-613A, Idaho Code.

SECTION 3. That Chapter 6, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-613A, Idaho Code, and to read as follows:

42-613A. PROCEEDS FROM THE LEASE OF STORED WATER -- DISTRICT RETENTION -- CONTROL AND USE. Each water district created pursuant to section 42-604, Idaho Code, shall be authorized to retain in a special account the proceeds from the rental of storage water leased under the provisions of section 42-1765, Idaho Code. The account shall not be used to reduce assessments to water users nor shall it be paid to water users in any event. Notwithstanding the supervisory responsibilities of the department of water resources over the activity of water districts, the account shall be under the exclusive control of the water district within which the leased water is stored.

All proceeds from the lease of stored water which are retained by any district under this section shall be used solely for one or more of the following public purposes:

(1) Expenses of the district.

(2) Improvements to the district's facilities, including a reasonable reserve for future improvements.

(3) Educational projects designed to increase public awareness in the area of water distribution, water rights and water conservation.

(4) Other public projects designed to assist in the adjudication, conservation or more efficient distribution of water.

Approved March 22, 1986.

CHAPTER 79
(S.B. No. 1265)

AN ACT

RELATING TO SALARIES OF MEMBERS OF THE INDUSTRIAL COMMISSION; AMENDING CHAPTER 5, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-503, IDAHO CODE, TO FIX THE SALARY OF MEMBERS OF THE INDUSTRIAL COMMISSION.

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

SECTION 1. That Chapter 5, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-503, Idaho Code, and to read as follows:

72-503. SALARY. The annual salary of each member of the industrial commission shall be as follows: for a commissioner with less than ten (10) years of service as a member of the commission, the annual salary shall be eighty per cent (80%) of the annual salary of a district judge; for a commissioner whose years of service as member of the commission are more than ten (10) years but less than fifteen (15) years, the annual salary shall be eighty-five per cent (85%) of the annual salary of a district judge; for a commissioner whose years of service as member of the commission are more than fifteen (15) years, the annual salary shall be ninety per cent (90%) of the annual salary of a district judge, notwithstanding the provisions of section 59-510, Idaho Code, and shall be paid from sources set by the legislature.

Approved March 22, 1986.

CHAPTER 80
(S.B. No. 1267)

AN ACT

RELATING TO ALLOWABLE LOAD PER INCH WIDTH OF TIRE; REPEALING SECTION 49-902, IDAHO CODE; AND AMENDING CHAPTER 9, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-902, IDAHO CODE, TO PROVIDE FOR A MAXIMUM ALLOWABLE WEIGHT PER INCH WIDTH OF TIRE.

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

SECTION 1. That Section 49-902, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 9, 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 49-902, Idaho Code, and to read as follows:

49-902. ALLOWABLE LOAD PER INCH WIDTH OF TIRE. The maximum allowable load for any vehicle tire operated on any public highway shall not exceed six hundred (600) pounds per inch width of tire. The width of a tire shall be determined by the manufacturer's description marked on the sidewall of the tire. Tires on vehicles manufactured prior to July 1, 1987, may exceed the six hundred (600) pounds per inch width

of tire limit subject to a maximum of eight hundred (800) pounds per inch width of tire.

Approved March 22, 1986.

CHAPTER 81
(S.B. No. 1285)

AN ACT

RELATING TO MINERAL RIGHTS IN STATE LANDS; AMENDING SECTION 47-701, IDAHO CODE, TO PROVIDE THAT SALABLE MINERALS ARE RESERVED TO THE STATE; AND AMENDING CHAPTER 7, TITLE 47, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 47-701A, IDAHO CODE, TO DEFINE THE TERM "SALABLE MINERALS"; AMENDING SECTION 47-704, IDAHO CODE, TO PROVIDE A LEASE TERM FOR AND A RIGHT OF OCCUPANCY ON STATE LANDS REGARDING SALABLE MINERALS.

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

SECTION 1. That Section 47-701, Idaho Code, be, and the same is hereby amended to read as follows:

47-701. RESERVATION OF MINERAL DEPOSITS TO STATE -- TERMS DEFINED. The terms "mineral lands," "mineral," "mineral deposits," "deposit," and "mineral right," as used in this chapter, and amendments thereto shall be construed to mean and include all coal, oil, oil shale, gas, phosphate, sodium, asbestos, gold, silver, lead, zinc, copper, antimony, geothermal resources, salable minerals, and all other mineral lands, minerals or deposits of minerals of whatsoever kind or character. Such deposits in lands belonging to the state are hereby reserved to the state and are reserved from sale except upon a rental and royalty basis as herein provided, and the purchaser of any land belonging to the state shall acquire no right, title or interest in or to such deposits, and the right of such purchaser shall be subject to the reservation of all mineral deposits and to the conditions and limitations prescribed by law providing for the state and persons authorized by it to prospect for, mine, and remove such deposits and to occupy and use so much of the surface of said land as may be required for all purposes reasonably incident to the mining and removal of such deposits therefrom.

SECTION 2. That Chapter 7, 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 47-701A, Idaho Code, and to read as follows:

47-701A. DEFINITION. As used in section 47-701, Idaho Code, the term "salable minerals," means a mineral substance that can be taken from the earth and that has a value in and of itself separate and apart from the earth and includes, but is not limited to, building stone, cinders, pumice, scoria, clay, diatomaceous earth, sand,

gravel, quartz, limestone and marble.

SECTION 3. That Section 47-704, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(4) All applications received, whether by mail or by personal delivery over the counter, shall be immediately stamped with the date and hour of filing. Simultaneous filings will be resolved by a drawing within thirty (30) days thereafter. In the absence of a simultaneous filing, and except for lands and resources which may be designated for competitive bidding, right of priority to a mineral lease shall be determined by the first qualified applicant who shall file a completed, signed application on the form of the department of lands or exact copy thereof between the hours of eight and five during any

business day, together with the application fee set by the board.

(5) Applications for mineral leases shall be made under oath in such form as the board may prescribe, and the applicant shall describe the land, indicate the annual rental and royalty offered by him, specify the particular mineral or minerals, and give such additional information as may be required by the rules and regulations of the board. If the applicant for a lease has previously filed a certificate of location, as provided in section 47-703, Idaho Code, upon any part of the land desired to be leased, such application shall be given a preferential right to the land covered by his location; that no lands upon which a mineral location has been duly made and recorded as provided in section 47-703, Idaho Code, shall be leased for mining purposes during the two (2) year periods to any applicant except the person having made such location; provided, however, that no locations may be made for oil and gas deposits or lands, or geothermal resources.

(6) Any exploration with heavy motorized equipment as defined in section 47-703, Idaho Code, on the lands between the ordinary high watermarks of any navigable river of the state shall be prohibited except after award of a lease by the board and submission of a bond to the department in the form and amount set by the board; and if applicable, an operator shall also comply with the dredge and placer mining act, chapter 13, title 47, Idaho Code; provided, that in all instances an operator shall comply with the stream channel alteration act, and all other applicable laws and rules of the state.

(7) Upon receipt by the state board of land commissioners of an application to lease any lands which may belong to the state of Idaho by reason of being situate between the high water marks of navigable rivers of the state, the board shall cause at the expense of the applicant, a notice of such application to be published once a week for two (2) issues in a newspaper of general circulation in the county or counties in which said lands described in said application are situated. The board or its authorized representative shall hold a public hearing on the application, if requested in writing no later than thirty (30) days after the last published notice by ten (10) persons whose lawful rights to use the waters applied for may be injured thereby, or by an association presenting a petition with signatures of not less than ten (10) such aggrieved parties; provided that the board may order a public hearing in the first instance. The board shall consider fully all written and oral submissions respecting the application.

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

power, or any other lawful purpose, the state board of land commissioners shall deny such application.

Approved March 22, 1986.

CHAPTER 82
(S.B. No. 1286)

RELATING TO TERMINATION OF DREDGE MINING PERMITS; AMENDING SECTION 47-1318, IDAHO CODE, TO PROVIDE THAT NOTICE OF HEARINGS MAY BE SERVED BY CERTIFIED MAIL RATHER THAN REGISTERED MAIL.

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

SECTION 1. That Section 47-1318, Idaho Code, be, and the same is hereby amended to read as follows:

47-1318. TERMINATION OF PERMITS -- HEARING. Without in any manner affecting the penal and injunctive provisions of this act the Idaho state board of land commissioners is empowered to terminate any permit to conduct dredge or other placer mining operations issued hereunder for any violation of the terms of this act, after hearing duly held on the matter of violation of the person to whom the permit was issued. Such hearings shall be held after not less than twenty (20) days' written notice to the permittee, which notice shall state the violation claimed, and the date, time and place of such hearing. Such notice may be served by ~~registered~~ certified mail, and ~~registry~~ return receipt signed by the permittee or his agent shall constitute service and time thereof of such notice. The board shall make findings of fact and rulings of law in support of any order terminating a permit or forfeiting a bond, and assess the costs of such hearing against the defaulting permittee. The said board of land commissioners may designate one (1) of its members, or a hearing officer or officers to conduct any hearings and make findings of fact, rulings of law, and orders on issues involving the administration of this act.

Approved March 22, 1986.

CHAPTER 83
(S.B. No. 1291)

AN ACT

RELATING TO ELECTION OF THE BOARD OF A WATER AND SEWER OR A RECREATIONAL WATER AND SEWER DISTRICT; AMENDING CHAPTER 32, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-3211b, IDAHO CODE, TO PROVIDE THAT NO ELECTION IS REQUIRED WHEN ONLY ONE QUALIFIED CANDIDATE HAS BEEN NOMINATED FOR EACH POSITION TO BE FILLED.

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

SECTION 1. That Chapter 32, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-3211b, Idaho Code, and to read as follows:

42-3211b. WHEN ELECTION NOT REQUIRED. In any election for directors if, after the expiration of the date for filing written nominations for the office of director, it appears that only one (1) qualified candidate has been nominated thereby for each position to be filled, it shall not be necessary to hold an election, and the board of directors shall within five (5) days after expiration of the date for filing written nominations declare such candidate elected as director. The secretary shall immediately make and deliver to such person a certificate of election signed by him and bearing the seal of the district. The procedure set forth in this section shall not apply to any other district election.

Approved March 22, 1986.

CHAPTER 84
(S.B. No. 1322)

AN ACT

RELATING TO THE HOSPITALIZATION OF YOUTH; AMENDING SECTION 66-317, IDAHO CODE, TO PROVIDE A DEFINITION OF VOLUNTARY AND INVOLUNTARY PATIENTS AND TO CORRECT CITATIONS; AMENDING SECTION 66-320, IDAHO CODE, TO PROHIBIT THE RELEASE, EXCEPT FOR COURT APPEARANCES OR RELEASE TO THE AUTHORIZING PARTY, OF A PERSON ADMITTED FOR EXAMINATION PURSUANT TO SECTION 16-1814, IDAHO CODE; AMENDING SECTION 66-324, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO RECEIVE PATIENTS ADMITTED PURSUANT TO SECTIONS 16-1610 AND 16-1814, IDAHO CODE; AMENDING SECTION 16-1832, IDAHO CODE, TO PROHIBIT THE TRANSFER OF YOUTHS COMMITTED PURSUANT TO SECTION 16-1814, IDAHO CODE, TO ANY ADULT PSYCHIATRIC UNIT AND TO CORRECT A CITATION; AND AMENDING SECTION 16-1602, IDAHO CODE, TO AUTHORIZE PLACEMENT OF A YOUTH IN A FACILITY WITH A PROGRAM FOR CHILDREN; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 66-317, Idaho Code, be, and the same is hereby amended to read as follows:

66-317. DEFINITIONS. As used in this chapter, terms shall have the following meanings:

(a) "Department director" shall mean the director of the state department of health and welfare.

(b) "Voluntary patient" shall mean an individual admitted to a facility for evaluation pursuant to sections 16-1814, ~~16-1835,~~ or 18-211, Idaho Code, or admitted to a facility for treatment pursuant to section 66-318, ~~or 66-322,~~ Idaho Code.

(c) "Involuntary patient" shall mean an individual committed pursuant to sections 18-212, 18-214, 66-329 or 66-1201, Idaho Code, or committed pursuant to section 16-1610 or 16-1814, Idaho Code, and admitted to a facility for the treatment of minors.

(d) "Licensed physician" shall mean an individual licensed under the laws of this state to practice medicine or a medical officer of the government of the United States while in this state in the performance of his official duties.

(e) "Designated examiner" shall mean any person designated by the department director as specially qualified by training and experience in the diagnosis and treatment of mental or mentally related illnesses or conditions. Such persons shall be psychiatrists, licensed psychologists, licensed physicians, a holder of an earned masters level or higher degree in social work from an accredited program, a registered nurse with an earned masters level or higher degree in psychiatric nursing from an accredited program, or a holder of an earned masters level or higher degree in psychology from an accredited program.

(f) "Dispositioner" shall mean a designated examiner employed by or under contract with the department of health and welfare and designated by the department director to determine the appropriate location for care and treatment of involuntary patients.

(g) "Facility" shall mean any public or private hospital, sanatorium, institution, mental health center or other organization designated in accordance with regulations adopted by the board of health and welfare as equipped to initially hold, evaluate, rehabilitate or to provide care or treatment, or both, for the mentally ill.

(h) "Emancipated minor" shall mean an individual between fourteen (14) and eighteen (18) years of age who has been married or whose circumstances indicate that the parent-child relationship has been renounced.

(i) "Lacks capacity to make informed decisions about treatment" shall mean the inability, by reason of mental illness, to achieve a rudimentary understanding after conscientious efforts at explanation of the purpose, nature, and possible significant risks and benefits of treatment.

(j) "Inpatient treatment facility" shall mean a facility in which an individual receives medical and mental treatment for not less than a continuous twenty-four (24) hour period.

(k) "Supervised residential facility" shall mean a facility, other than the individual's home, in which the individual lives and in which there lives, or are otherwise on duty during the times that the individual's presence is expected, persons who are employed to supervise, direct, treat or monitor the individual.

(l) "Likely to injure himself or others" shall mean either:

(1) A substantial risk that physical harm will be inflicted by the proposed patient upon his own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on himself; or

(2) A substantial risk that physical harm will be inflicted by the proposed patient upon another as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm.

(m) "Mentally ill" shall mean a person, who as a result of a substantial disorder of thought, mood, perception, orientation, or memory, which grossly impairs judgment, behavior, capacity to recognize and adapt to reality, requires care and treatment at a facility.

(n) "Gravely disabled" shall mean a person who, as the result of mental illness, is in danger of serious physical harm due to the person's inability to provide for his essential needs.

SECTION 2. That Section 66-320, Idaho Code, be, and the same is hereby amended to read as follows:

66-320. RIGHT TO RELEASE ON APPLICATION -- EXCEPTIONS. (a) A voluntary patient admitted in accordance with the procedure outlined in section 66-318, Idaho Code, who requests his release or whose release is requested, in writing, by his legal guardian, parent, spouse, or adult next of kin shall be released except that:

(1) if the patient was admitted on his own application and the request for release is made by a person other than the patient, release may be conditioned upon the agreement of the patient thereto, and

(2) if the patient, by reason of his age, was admitted on the application of another person, his release prior to becoming sixteen (16) years of age may be conditioned upon the consent of his parent or guardian, or

(3) if the director of the facility determines that the patient should be hospitalized under the provisions of this chapter, the patient may be detained up to three (3) days, excluding Saturdays, Sundays and legal holidays, for the purpose of examination by a designated examiner and the filing of an application for continued care and treatment.

(b) Notwithstanding any other provision of this chapter, judicial proceedings authorized by this chapter shall not be commenced with respect to a voluntary patient unless release of the patient has been requested by himself or the individual who applied for his admission.

(c) The date and time of any request for release under this section shall be entered in the patient's clinical record. If the request for release is denied, the reasons for denial also shall be entered in the patient's clinical record.

(d) A ~~defendant confined~~ patient admitted for examination pursuant to section 16-1814, or 18-211, Idaho Code, may not be released except for purposes of transportation back to the court ordering, or party authorizing, the examination.

SECTION 3. That Section 66-324, Idaho Code, be, and the same is hereby amended to read as follows:

66-324. AUTHORITY TO RECEIVE INVOLUNTARY PATIENTS. The director of any facility is authorized to receive therein for observation,

diagnosis, care and treatment any individual committed to the department director pursuant to sections 16-1610, 16-1814, 18-212, 18-214 or 66-329, or transferred pursuant to section 66-1201, Idaho Code.

SECTION 4. That Section 16-1832, Idaho Code, be, and the same is hereby amended to read as follows:

16-1832. UTILIZATION OF EXISTING INSTITUTIONS AND AGENCIES. The following shall apply as the board utilizes existing institutions and agencies:

(a) Nothing in this act shall be taken to give the board control over existing facilities, institutions or agencies, or to require them to serve the board inconsistently with their functions or with the authority of their officers, or with the laws and regulations governing their activities; or give the board power to make use of any private institution or agency without its consent; or pay a private institution or agency for services which a public institution or agency is willing and able to perform.

(b) Public institutions and agencies are hereby required to accept and care for persons sent to them by the board, in the same manner as would be required had such persons been committed by a court.

(c) No person committed to the board under section 16-1814 ~~and section 16-1835~~, Idaho Code, shall be transferred to an adult psychiatric unit of any state institution for the mentally ill or mentally retarded except for observation and diagnosis. When a person committed to the board is found physically or mentally ill or mentally retarded the board may return the person to the committing court for discharge from control of the board under this act and ~~recommitment~~ redisposition, in accordance with law, to the appropriate state institution.

(d) The board may inspect all public institutions and agencies whose facilities the board is authorized to utilize and all private institutions and agencies whose facilities the board uses. Every institution or agency, whether public or private, is required to afford the board reasonable opportunity to examine or consult persons committed to the board who are for the time being in custody of the institution or agency.

(e) Placement of a person by the board in an institution or agency not operated by the board, or discharge of such person by such an institution or agency, shall not terminate control of the board over such person.

(f) No person placed in such an institution or under such an agency may be released by the institution or agency without approval of the board, unless the institution or agency would have power under the law to release at its own discretion persons placed by the board, until a reasonable time after it has notified the board of its intention to release him.

SECTION 5. That Section 16-1602, Idaho Code, be, and the same is hereby amended to read as follows:

16-1602. DEFINITIONS. For purposes of this chapter:

(a) "Abused" means any case in which a child has been the victim of:

(1) Conduct or omission resulting in skin bruising, bleeding, malnutrition, burns, fracture of any bone, subdural hematoma, soft tissue swelling, failure to thrive or death, and such condition or death is not justifiably explained, or where the history given concerning such condition or death is at variance with the degree or type of such condition or death, or the circumstances indicate that such condition or death may not be the product of an accidental occurrence; or

(2) Sexual conduct, including rape, molestation, incest, prostitution, obscene or pornographic photographing, filming or depiction for commercial purposes, or other similar forms of sexual exploitation harming or threatening the child's health or welfare or mental injury to the child.

(b) "Abandoned" means the failure of the parent to maintain a normal parental relationship with his child, including but not limited to reasonable support or regular personal contact. Failure to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment.

(c) "Adjudicatory hearing" means a hearing to determine the truth of the allegations in the petition filed under this chapter.

(d) "Authorized agency" means the department, a local agency, a person, an organization, corporation, benevolent society or association licensed or approved by the department or the court to receive children for control, care, maintenance or placement.

(e) "Child" means an individual who is under the age of eighteen (18) years.

(f) "Commit" means to transfer legal and physical custody.

(g) "Court" means district court or magistrate's division thereof, or if the context requires, a magistrate or judge thereof.

(h) "Custodian" means a person, other than a parent or legal guardian, to whom legal custody of the child has been given by court order or who is acting in loco parentis.

(i) "Department" means the department of health and welfare and its authorized representatives.

(j) "Disposition hearing" means a hearing to determine whether the best interests of the child require protective supervision or vesting legal custody of the child in an authorized agency.

(k) "Law enforcement agency" means a city or village police department, the prosecuting attorney of any county, state law enforcement officers, or the office of a sheriff of any county.

(l) "Legal custody" means a relationship created by order of the court, which vests in a custodian the following duties and rights:

(1) To have physical custody and control of the child, and to determine where and with whom the child shall live.

(2) To supply the child with food, clothing, shelter and incidental necessities.

(3) To provide the child with care, education and discipline.

(4) To authorize ordinary medical, dental, psychiatric, psychological, or other remedial care and treatment for the child,

including care and treatment in a facility with a program of services for children; and to authorize surgery if the surgery is deemed by two (2) physicians licensed to practice in this state to be necessary for the child.

(m) "Mental injury" means a substantial impairment in the intellectual or psychological ability of a child to function within a normal range of performance and/or behavior.

(n) "Neglected" means a child:

(1) Who is without proper parental care and control, or subsistence, education, medical or other care or control necessary for his well-being because of the conduct or omission of his parents, guardian or other custodian or their neglect or refusal to provide them; provided, however, no child whose parent or guardian chooses for such child treatment by prayers through spiritual means alone in lieu of medical treatment, shall be deemed for that reason alone to be neglected or lack parental care necessary for his health and well-being, but further provided this subsection shall not prevent the court from acting pursuant to section 16-1616, Idaho Code; or

(2) Whose parents, guardian or other custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity; or

(3) Who has been placed for care or adoption in violation of law.

(o) "Protective supervision" means a legal status created by court order in neglect and abuse cases whereby the child is permitted to remain in his home under supervision by the department.

(p) "Residual parental rights and responsibilities" means those rights and responsibilities remaining with the parent after the transfer of legal custody, including but not necessarily limited to the right of visitation, consent to adoption, the right to determine religious affiliation, and the responsibility for support.

(q) "Shelter care" means places designated by the department for temporary care of children pending court disposition or placement.

SECTION 6. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 22, 1986.

CHAPTER 85
(S.B. No. 1328, As Amended)

AN ACT

RELATING TO AN IDAHO AG IN THE CLASSROOM PROGRAM; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-815, IDAHO CODE, TO CREATE THE IDAHO AG IN THE CLASSROOM ACCOUNT, TO PROVIDE FOR AN EDUCATIONAL PROGRAM, AND TO PROVIDE FOR INVESTMENT

OF IDLE MONEYS IN THE ACCOUNT; REPEALING SECTION 63-3067B, IDAHO CODE; AND AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3067B, IDAHO CODE, TO PROVIDE THAT INDIVIDUALS MAY DESIGNATE THAT A REFUND OR A DONATION MAY BE PAID TO THE IDAHO AG IN THE CLASSROOM ACCOUNT, AND TO PROVIDE FOR ADMINISTRATION.

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

SECTION 1. That Chapter 8, 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 57-815, Idaho Code, and to read as follows:

57-815. IDAHO AG IN THE CLASSROOM ACCOUNT. (1) There is hereby created in the agency asset fund in the state treasury the Idaho ag in the classroom account. Moneys in the account shall be used only by the state department of education to provide funding for developing and presenting through the joint efforts of the United States department of agriculture, the state department of agriculture, educators at all levels, and representatives of agricultural organizations statewide and nationwide, an educational program that will provide students in kindergarten through grade twelve (12) with a better understanding of the crucial role of agriculture in all aspects of society and of how Idaho agriculture relates to the rest of the world.

(2) The state treasurer shall invest the idle moneys in the account, and the interest earned on such investments shall be paid to the account.

SECTION 2. That Section 63-3067B, Idaho Code, be, and the same is hereby repealed.

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 63-3067B, Idaho Code, and to read as follows:

63-3067B. DESIGNATION BY INDIVIDUALS -- IDAHO AG IN THE CLASSROOM ACCOUNT. (a) Beginning with tax year 1986, every individual who has a refund due payable for overpayment of taxes under this chapter, may designate all or any portion thereof to be deposited in the Idaho ag in the classroom account, created in section 57-815, Idaho Code.

(b) Beginning with tax year 1986, 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 Idaho ag in the classroom 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) No less than quarterly, the tax commission shall transfer the

moneys collected from contributing individuals pursuant to subsection (a) or (b) of this section to the Idaho ag in the classroom account.

(e) Prior to transfer of money into the Idaho ag in the classroom 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 Idaho ag in the classroom account moneys.

Approved March 22, 1986.

CHAPTER 86
(S.B. No. 1356)

AN ACT

RELATING TO CHILDREN SUSPECTED OF HAVING SEVERE AUDITORY AND/OR VISUAL IMPAIRMENT; REPEALING SECTION 39-427, IDAHO CODE, TO ELIMINATE THE REPORTING OF NAMES OF CHILDREN TO THE DEPARTMENT OF HEALTH AND WELFARE BY CERTAIN HEALTH CARE PROFESSIONALS WHO SUSPECT THE CHILD MAY HAVE SEVERE AUDITORY AND/OR VISUAL IMPAIRMENT.

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

SECTION 1. That Section 39-427, Idaho Code, be, and the same is hereby repealed.

Approved March 22, 1986.

CHAPTER 87
(S.B. No. 1367)

AN ACT

RELATING TO MEDICAID PAYMENTS FOR CERTAIN INTERMEDIATE CARE SERVICES; AMENDING SECTION 56-101, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 56-104, IDAHO CODE, TO EXPAND THE APPLICATION OF THE PROVISIONS OF THE SECTION TO FACILITIES IN ADDITION TO HOSPITAL-BASED FACILITIES; AMENDING SECTION 56-108, IDAHO CODE, TO PROVIDE A SPECIFIC METHOD FOR COMPUTING PROPERTY REIMBURSEMENT AT INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED; AMENDING SECTION 56-113, IDAHO CODE, TO CHANGE THE METHOD OF COMPUTING PROSPECTIVE PAYMENTS FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 56-101, Idaho Code, be, and the same is hereby amended to read as follows:

56-101. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter and shall have the following meanings:

(1) "Appraisal" means the method of determining the value of the property as determined by a M.A.I. appraisal. The appraisal must specifically identify the values of land, building, equipment, and goodwill.

(2) "Assets" mean economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(3) "Depreciation" means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(4) "Director" means the director of the department of health and welfare or his designee.

(5) "Equity" means the new book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

(6) "Facility" means an entity which contracts with the director to provide services to recipients in a structure owned, controlled, or otherwise operated by such entity, and which entity is responsible for operational decisions. In conjunction with the use of the term "facility":

1. "Free-standing intermediate care" means an intermediate care facility, as defined in and licensed under chapter 13, title 39, Idaho Code, which is not owned, managed, or operated by, nor is otherwise a part of a hospital, as defined in section 39-1301(a), Idaho Code;

2. "Free-standing skilled care" means a skilled nursing facility, as defined in and licensed under chapter 13, title 39, Idaho Code, which is not owned, managed, or operated by, nor is otherwise a part of a hospital, as defined in section 39-1301(a), Idaho Code; or

3. "Hospital-based" means a skilled nursing or intermediate care facility, as defined in and licensed under chapter 13, title 39, Idaho Code, which is owned, managed, or operated by, or is otherwise a part of a hospital, as defined in section 39-1301(a), Idaho Code.

(7) "Forced sale" is a sale required by a bankruptcy, foreclosure, the provisions of a will or estate settlement pursuant to the death of an owner, physical or mental incapacity of an owner which requires ownership transfer to existing partner or partners, or a sale required by the ruling of a federal agency or by a court order.

(8) "Goodwill" means the amount paid by the purchaser that exceeds the net tangible assets received. The value of goodwill is derived from the economic benefits that a going concern may enjoy, as compared with a new one, from established relations in the related markets, with government departments and other noncommercial bodies and with personal relationships. These intangible assets cannot be separated from the business and sold as can plant and equipment. Under

the theory that the excess payment would be made only if expected future earnings justified it, goodwill is often described as the price paid for excess future earnings. The amortization of goodwill is nonallowable, nonreimbursable expense.

(9) "Historical cost" means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

(10) "Interest rate limitation" means that the interest rate allowed for working capital loans and for loans for major movable equipment for intermediate care facilities for the mentally retarded shall be the prime rate as established by the Bank of America Corporation, San Francisco, California, plus one percent (1%) at the date the loan is made. All interest expense greater than the amount derived by using the limitation above shall be nonreimbursable; provided, however, that this interest rate limitations shall not be imposed against loans or leases which were made prior to July 1, 1984. Said loans or leases being subject to the tests of reasonableness, relationship to patient care and necessity.

(11) "Intermediate care facility for the mentally retarded" means an habilitative facility designed and operated to meet the educational, training, habilitative and intermittent medical needs of the developmentally disabled.

(12) "Major movable equipment" means such items as accounting machines, beds, wheelchairs, desks, furniture, vehicles, etc. The general characteristics of this equipment are:

1. A relatively fixed location in the building;
2. Capable of being moved, as distinguished from building equipment;
3. A unit cost sufficient to justify ledger control;
4. Sufficient size and identity to make control feasible by means of identification tags; and
5. A minimum life of approximately three (3) years.

(13) "Medicaid" means the 1965 amendments to the social security act (P.L. 89-97), as amended.

(14) "Minor movable equipment" includes such items as wastebaskets, bedpans, syringes, catheters, silverware, mops, buckets, etc. The general characteristics of this equipment are:

1. In general, no fixed location and subject to use by various departments of the provider's facility;
2. Comparatively small in size and unit cost;
3. Subject to inventory control;
4. Fairly large quantity in use; and
5. Generally, a useful life of approximately three (3) years or less.

(15) "Net book value" means the historical cost of an asset, less accumulated depreciation.

(16) "Patient-day" means a calendar day of care which will include the day of admission and exclude the day of discharge unless discharge occurs after 3:00 p.m. or it is the date of death, except that, when admission and discharge occur on the same day, one (1) day of care shall be deemed to exist.

(17) "Property costs" mean the total of allowable interest

expense, plus depreciation, property insurance, real estate taxes, amortization, and allowable lease/rental expense. The department may require and utilize an appraisal to establish those components of property costs which are identified as an integral part of an appraisal.

(18) "Reasonable property insurance" means that the consideration given is an amount that would ordinarily be paid by a cost-conscious buyer for comparable insurance in an arm's length transaction. Property insurance per licensed bed in excess of two (2) standard deviations above the mean of the most recently reported property insurance costs per licensed bed of all facilities in the reimbursement class as of the end of a facility's fiscal year shall not be considered reasonable.

(19) "Recipient" means an individual determined eligible by the director for the services provided in the state plan for medicaid.

(20) "Utilities" shall mean all expenses for heat, electricity, water and sewer. Utilities shall be exempt from the percentile cap.

SECTION 2. That Section 56-104, Idaho Code, be, and the same is hereby amended to read as follows:

56-104. RECAPTURE OF DEPRECIATION ~~FOR-HOSPITAL-BASED-FACILITIES~~. (a) Where depreciable assets that were reimbursed based on cost and were used in the medicaid program ~~by-a-hospital-based-facility~~ subsequent to January 1, 1982, and for which depreciation has been reimbursed by the director, are sold for an amount in excess of their net book value, depreciation so reimbursed shall be recaptured from the buyer of the facility in an amount equal to reimbursed depreciation or gain on the sale, whichever is less. Depreciation shall be recaptured in full if a sale of a depreciated facility takes place within the first five (5) years of seller's ownership after January 1, 1982.

(b) Depreciation shall be recaptured by the director from the buyer of the facility over a period of time not to exceed five (5) years from the date of sale, with not less than one-fifth (1/5) of the total amount being recaptured for each year after such date.

(c) Leases of facilities entered into on or after the effective date of this subsection shall be reimbursed in the same manner as an owned asset, with recapture of depreciation being effected against the buyer of the facility in the case where the facility's assets are sold by the lessor of the facility. Leases in existence prior to the effective date of this subsection shall be reimbursed at the rate established prior to such date for each such lease. Renegotiated leases shall be reimbursed at established rates, plus a reasonable annual increase.

SECTION 3. That Section 56-108, Idaho Code, be, and the same is hereby amended to read as follows:

56-108. PROPERTY REIMBURSEMENT -- FACILITIES WILL BE PAID A PROPERTY RENTAL RATE, PROPERTY TAXES AND REASONABLE PROPERTY INSURANCE. The provisions of this section shall not apply to hospital-based facilities which are subject to the provisions of section 56-120,

Idaho Code. The provisions of this section are applicable to all other facilities. The property rental rate includes compensation for major movable equipment but not for minor movable equipment. However, the property rental rate for intermediate care facilities for the mentally retarded shall not include compensation for major movable equipment. The property rental rate is paid in lieu of payment for amortization, depreciation, and interest for financing the cost of land and depreciable assets. However, reimbursement for the cost of ~~vehicles for patient transportation~~ major movable equipment for intermediate care facilities for the mentally retarded shall be excluded from the property rental rate and shall be reimbursed according to other provisions of this chapter and to provisions of health insurance manual 15 as promulgated by the U.S. department of health and human services. Prior to final audit, the director shall determine an interim rate that approximates the property rental rate. The property rental rate shall be determined as follows:

(1) Except as determined pursuant to this section and as modified by section 56-109, Idaho Code:

Property rental rate = ("Property base") x ("Change in building costs") x (40 - "Age of facility")
40

where:

(a) "Property base" = $9.24 for all facilities except intermediate care facilities for the mentally retarded. Beginning the effective date of this subsection, the property base rate for intermediate care facilities for the mentally retarded shall be $8.94. (Property base = ~~$6.01~~ $5.81 for intermediate care facilities for the mentally retarded not designed for the care of nonambulatory patients as determined by the director.)

(b) "Change in building costs" = 1.0 from ~~the effective date of this subsection~~ April 1, 1985, through December 31, 1985. However, for intermediate care facilities for the mentally retarded, "change in building costs" = 1.0 from the effective date of this subsection through December 31, 1986. Thereafter "Change in building costs" will be adjusted for each calendar year to reflect the reported annual change in the building cost index for a class D building in the western region, as of September of the prior year, published by the Marshall Swift Valuation Service.

(c) "Age of facility" = the director shall determine the effective age, in years, of the facility by subtracting the year in which the facility, or portion thereof, was constructed from the year in which the rate is to be applied. No facility or portion thereof shall be assigned an age of more than thirty (30) years.

(i) If adequate information is not submitted by the facility to document that the facility, or portion thereof, is newer than thirty (30) years, the director shall set the effective age at thirty (30) years. Adequate documentation shall include, but not be limited to, such documents as copies of building permits, tax assessors' records, receipts, invoices, building contracts, and original notes of indebtedness. The director shall compute an appropriate age for facilities when documentation is provided to reflect expenditures for build-

ing expansion or remodeling prior to the effective date of this section. The computation shall decrease the age of a facility by an amount consistent with the expenditure and the square footage impacted and shall be calculated as follows:

1. Determine, according to indexes published by the Marshall Swift Valuation Service, the construction cost per square foot of an average class D convalescent hospital in the western region for the year in which the expansion or renovation was completed.

2. Multiply the total square footage of the building following the expansion or renovation by the cost per square foot to establish the estimated replacement cost of the building at that time.

3. The age of the building at the time of construction shall be multiplied by the quotient of total actual renovation or remodeling costs divided by replacement cost. If this number is equal to or greater than 2.0, the age of the building in years will be reduced by this number, rounded to the nearest whole number. In no case will the age be less than zero.

(ii) The director shall adjust the effective age of a facility as a result of necessary major repairs, approved in advance, initiated after ~~the effective date of this subsection~~ April 1, 1985, and completed prior to December 31, 1989. Such changes shall not increase the allowable property rental rate by more than one-half (1/2) of the difference between the initial property rental rate for the facility and the "property base" shown in paragraph (a) of this subsection.

(iii) The director shall allow for future adjustments to the effective age of a facility or its rate to reimburse an appropriate amount for property expenditures resulting from new requirements imposed by state or federal agencies. The director shall, within twelve (12) months of verification of expenditure, reimburse the medicaid share of the entire cost of such new requirements as a one-time payment if the incurred cost for a facility is less than one hundred dollars ($100) per bed.

(2) A "grandfathered rate" for existing facilities will be determined by dividing the audited allowable annual property costs, exclusive of taxes and insurance, for assets on hand as of January 1, 1985 by the total patient days in the period July 1, 1984 through June 30, 1985. However, a "grandfathered rate" for existing intermediate care facilities for the mentally retarded will be determined by dividing the audited allowable annual property costs, exclusive of taxes, insurance and costs of major movable equipment, for assets on hand as of January 1, 1986 by the total patient days in the period July 1, 1985, through June 30, 1986. The property rental rate will be the greater of the amount determined pursuant to subsection (1) of this section, or the grandfathered rate. The director shall adjust the grandfathered rate of a facility to compensate the owner for the cost of necessary major repairs, expansion or remodeling, initiated prior

to April 1, 1985, and completed after January 1, 1985, but completed no later than December 31, 1985. Such changes shall not increase the allowable property rental rate by more than one-half (1/2) of the difference between the initial property rental rate and the property base shown in subsection (1)(a) of this section.

(3) The property rental rate per day of care paid to facilities with leases signed prior to March 30, 1981, will be the sum of the annualized allowed lease costs and the other annualized property costs for assets on hand as of January 1, 1985, exclusive of taxes and insurance when paid separately, divided by total patient days in the period June 30, 1983 through July 1, 1984. However, the property rental rate per day of care paid to intermediate care facilities for the mentally retarded with leases signed prior to March 30, 1981, will be the sum of the annualized allowed lease costs and the other annualized property costs for assets on hand as of January 1, 1986, exclusive of costs related to major movable equipment, taxes, and insurance when paid separately, divided by total patient days in the period July 1, 1985, through June 30, 1986. Where such leases contain provisions that bind the lessee to accept an increased rate, reimbursement shall be at a rate per day of care which reflects the increase in the lease rate. Where such leases bind the lessee to the lease and allow the rate to be renegotiated, reimbursement shall be at a rate per day of care which reflects an annual increase in the lease rate not to exceed the increase in the consumer price index for renters costs. After the effective date of this subsection, if such a lease is terminated or if the lease allows the lessee the option to terminate other than by purchase of the facility, the property rental rate shall become the amount determined by the formula in subsection (1) of this section as of the date on which the lease is or could be terminated.

(4) (a) In the event of a sale, except under the conditions of paragraph (b) of this subsection, the buyer shall receive the property rental rate, not modified by section 56-109, Idaho Code, if the seller was receiving a grandfathered rate. If the seller was receiving a rate other than a grandfathered rate, the buyer shall receive the seller's rate.

(b) In the event of a forced sale of a facility where the seller has been receiving a grandfathered rate, the buyer will receive a rate based upon his incurred property costs, exclusive of taxes and insurance, for the twelve (12) months following the sale, divided by the facility's total patient days for that period, or the property rental rate, not modified by section 56-109, Idaho Code, whichever is higher, but not exceeding the rate that would be due the seller.

SECTION 4. That Section 56-113, Idaho Code, be, and the same is hereby amended to read as follows:

56-113. INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED. (a) Not later than January 1, 1982, and prior to the beginning of each fiscal year thereafter, the director shall determine the total prospective payment rate for all intermediate care facilities for the mentally retarded under medicaid contract with the director on or before

the effective date of this chapter in the same manner as set forth in section 56-110, Idaho Code, except that the computation of the prospective payment according to the manner set forth in subsection (b)(1) of section 56-110, Idaho Code, shall include allowable costs related to major movable equipment.

(b) For the first fiscal year of an intermediate care facility for the mentally retarded established on or after January 1, 1982, which seeks to contract for the first time to provide medicaid services to recipients, the director shall determine payment for such facility in the same manner as specified in section 56-111, Idaho Code. Thereafter, such determination for such facility shall be done in accordance with subsection (a) of this section.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 22, 1986.

CHAPTER 88
(S.B. No. 1399)

AN ACT

RELATING TO INVESTMENTS OF PUBLIC FUNDS; AMENDING SECTION 50-1013, IDAHO CODE, TO PROVIDE AUTHORITY TO INVEST IN TAX, INCOME AND REVENUE ANTICIPATION OBLIGATIONS OF THE STATE OF IDAHO AND OF IDAHO TAXING DISTRICTS AND IN OBLIGATIONS OF PUBLIC CORPORATIONS OF THE STATE OF IDAHO; AND AMENDING SECTION 67-1210, IDAHO CODE, BY PROVIDING AUTHORITY TO INVEST IN TAX, INCOME AND REVENUE ANTICIPATION OBLIGATIONS OF THE STATE OF IDAHO AND OF IDAHO TAXING DISTRICTS AND IN OBLIGATIONS OF PUBLIC CORPORATIONS OF THE STATE OF IDAHO.

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 deposit accounts with public depositories.

(e) 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.

(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 agencies and instrumentalities of the government of the state of Idaho or of the United States.

(i) Bonds, notes or other similar obligations issued by public corporations of the state of Idaho including, but not limited to, the Idaho state building authority, the Idaho housing authority and the Idaho water resource board, but such investment shall not extend beyond seven (7) days.

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

(~~j~~k) Tax anticipation bonds or notes, income and revenue anticipation bonds or notes and registered warrants of the state of Idaho ~~and the cities~~ or of taxing districts of the state of Idaho.

(~~k~~l) 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~~m) 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 Section 67-1210, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

(e) Bonds, notes or other similar obligations issued by public corporations of the state of Idaho including, but not limited to, the Idaho state building authority, the Idaho housing authority and the Idaho water resource board, but such investment shall not extend beyond seven (7) days.

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

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

(~~g~~h) Tax anticipation bonds or notes and income and revenue anticipation bonds or notes of taxing districts of the state of Idaho.

(i) Time 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.

(~~i~~j) Time deposit accounts and 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 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.

(~~j~~k) 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 account of the state of Idaho. Provided, unless otherwise specifically provided by statute, funds received by the state pursuant to a federal law, regulation, or federal-state agreement which governs disposition of interest earned upon such funds shall be classified in the agency

asset fund provided by section 57-811, Idaho Code. Any interest earned upon such funds shall be accounted for separately to give effect to the federal law, regulation, or federal-state agreement.

If the interest is to be credited to a separate account, to partially compensate for the amount of interest the general account would otherwise receive if such separate investment were not required, the state treasurer shall charge the account an investment administration fee equal to one-quarter of one percent (.25%) per year of the average daily balance of the account, including separate investments, if any, of that account. The fee may be charged monthly in an amount approximately one-twelfth of the fee which would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the account for which the investment administration services are rendered.

To partially compensate for the interest the general account has lost when such interest was diverted to certain state funds or accounts by statute authorizing them to be invested individually and receive their own interest, the state treasurer shall charge an investment administration fee to each such state fund or account, other than the general account, which receives investment income from investments administered by the office of state treasurer. The investment administration fee shall be equal to one-quarter of one percent (.25%) per year of the average daily balance of the fund or account, including separate investments, if any, of that fund or account. The fee may be charged monthly in an amount approximately one-twelfth of the fee which would be payable on an annual basis. The amount of the investment administration fee shall constitute an appropriation from the fund or account for which the investment administration services are rendered.

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

Approved March 22, 1986.

CHAPTER 89
(S.B. No. 1408)

AN ACT

RELATING TO THE JUDICIAL COUNCIL; AMENDING SECTION 1-2103, IDAHO CODE, TO PROVIDE THAT IF AN ALLEGATION AGAINST A JUDGE IS OTHERWISE MADE PUBLIC, THE JUDICIAL COUNCIL MAY COMMENT ON THE EXISTENCE, NATURE AND STATUS OF ANY INVESTIGATION.

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

SECTION 1. That Section 1-2103, Idaho Code, be, and the same is hereby amended to read as follows:

1-2103. REMOVAL, DISCIPLINING, OR RETIREMENT OF JUDGES OR JUSTICES -- PROCEDURE. A justice of the Supreme Court or judge of any district court, in accordance with the procedure prescribed in this section, may be disciplined or removed for wilful misconduct in office or wilful and persistent failure to perform his duties or habitual intemperance or conduct prejudicial to the administration of justice that brings judicial office into disrepute, or he may be retired for disability seriously interfering with the performance of his duties, which is, or is likely to become of a permanent character. The judicial council may, after such investigation as the council deems necessary, order a hearing to be held before it concerning the removal, discipline or retirement of a justice or a judge, or the council may in its discretion request the Supreme Court to appoint three (3) special masters, who shall be justices or judges, to hear and take evidence in any such matters, and to report their findings to the council. If, after hearing, or after considering the record and the findings and report of the masters, the council finds good cause therefor, it shall recommend to the Supreme Court the removal, discipline or retirement, as the case may be, of the justice or judge.

The Supreme Court shall review the record of the proceedings on the law and facts and in its discretion may permit the introduction of additional evidence and shall order removal, discipline or retirement, as it finds just and proper, or wholly reject the recommendation. Upon an order for retirement, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to other provisions of law. Upon an order for removal, the justice or judge shall thereby be removed from office, and his salary shall cease from the date of such order.

All papers filed with and the proceedings before the judicial council or masters appointed by the Supreme Court, pursuant to this section, shall be confidential, ~~and~~ provided, however, that if allegations against a judge are made public by the complainant, judge or third persons, the judicial council may, in its discretion, comment on the existence, nature, and status of any investigation. ~~T~~the filing of papers with and the giving of testimony before the council or the masters shall be privileged; but no other publication of such papers or proceedings shall be privileged in any action for defamation except that (a) the record filed by the council in the Supreme Court continues privileged and upon such filing loses its confidential character and (b) a writing which was privileged prior to its filing with the council or the masters does not lose such privilege by such filing. The judicial council shall by rule provide for procedures under this section, including the exercise of requisite process and subpoena powers. A justice or judge who is a member of the council or Supreme Court shall not participate in any proceedings involving his own removal, discipline or retirement.

This section is alternative to, and cumulative with, the removal of justices and judges by impeachment, and the original supervisory control of members of the judicial system by the Supreme Court.

Approved March 22, 1986.

CHAPTER 90
(H.B. No. 361)

AN ACT

RELATING TO THE COMPUTATION OF INCOME TAXES IMPOSED ON NONRESIDENTS AND PART-YEAR RESIDENTS; AMENDING SECTION 63-3013A, IDAHO CODE, TO PROVIDE THAT THE TAX OF PART-YEAR RESIDENTS SHALL BE DETERMINED IN THE MANNER PROVIDED IN SECTION 63-3027A, IDAHO CODE; AMENDING SECTION 63-3022, IDAHO CODE, TO PROVIDE THAT THE TAX PAID BY FULL-TIME MEMBERS OF THE ARMED FORCES OF THE UNITED STATES SHALL BE COMPUTED AS PROVIDED IN SECTION 63-3027A, IDAHO CODE; AND AMENDING SECTION 63-3024, IDAHO CODE, TO PROVIDE TAX TABLES SHALL BE USED TO COMPUTE TAX LIABILITY OF RESIDENTS, PART-YEAR RESIDENTS, AND NONRESIDENTS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

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

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

SECTION 2. 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 taxable under this chapter, no deduction shall be allowed for interest on indebtedness incurred or continued to purchase after January 1, 1983, or to carry obligations acquired after January 1, 1983, the interest of which is wholly exempt from the taxes imposed under this chapter. The amount of interest on indebtedness thus incurred or continued shall be an amount which bears the same ratio to the aggregate amount allowable (determined without regard to this section) to the taxpayer as a deduction for interest for the taxable year as the taxpayer's average adjusted basis of the obli-

gations mentioned in the preceding sentence bears to such average adjusted basis for all assets of the taxpayer, or, at the option of the taxpayer, an amount which bears the same ratio to the aggregate amount allowable (determined without regard to this section) to the taxpayer as a deduction for interest for the taxable year as the taxpayer's interest income from the obligations mentioned in the preceding sentence bears to the taxpayer's total income for the taxable year.

(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.

(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 87 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.

(p) Deduct any amounts included in gross income under the provisions of section 86 of the Internal Revenue Code relating to certain social security and railroad benefits.

SECTION 3. That Section 63-3024, Idaho Code, be, and the same is hereby amended to read as follows:

63-3024. INDIVIDUALS' TAX AND TAX ON ESTATES AND TRUSTS. A tax is hereby imposed for each taxable year commencing on and after January 1, 1976, upon every resident individual, trust or estate which shall be measured by his or its taxable income, and upon that part of the taxable income of any nonresident individual, trust or estate derived from sources within the state of Idaho computed as ~~set forth in~~ required by section 63-3027A, Idaho Code.

(a) The tax imposed upon individuals, trusts and estates shall be computed at the following rates:

(1) On the first $1,000 of such taxable income or any part thereof, at the rate of 2.0 per centum;

(2) On the second $1,000 of such taxable income or any part thereof, at the rate of 4.0 per centum;

(3) On the third $1,000 of such taxable income or any part thereof, at the rate of 4.5 per centum;

(4) On the fourth $1,000 of such taxable income or any part thereof, at the rate of 5.5 per centum;

(5) On the fifth $1,000 of such taxable income, or any part thereof, at the rate of 6.5 per centum;

(6) On any taxable income in excess of $5,000, at the rate of 7.5 per centum;

(b) In case a joint return is filed by husband and wife pursuant to the provisions of section 63-3031, Idaho Code, the tax imposed by this section shall be twice the tax which would be imposed on one-half (1/2) of the aggregate taxable income. For the purposes of this section, a return of a surviving spouse, as defined in section 2(b) of the Internal Revenue Code, and a head of household, as defined in section 1(b), (2), (3), and (4) of the Internal Revenue Code, shall be treated as a joint return and the tax imposed shall be twice the tax which would be imposed on one-half (1/2) of the taxable income.

(c) The state tax commission shall compute and publish Idaho income tax liability for ~~resident~~ taxpayers at the midpoint of each bracket of adjusted gross income (as defined in section 62 of the Internal Revenue Code), adjusted as required by section 63-3022, Idaho Code, in fifty dollar ($50.00) steps to ~~twenty~~ fifty thousand dollars (~~$2~~50,000), rounding such calculations to the nearest dollar. ~~Resident t~~Taxpayers having ~~elected standard deductions with adjusted gross~~ incomes within such brackets shall file returns based upon and pay taxes according to the schedule thus established. The state tax commission shall publish regulations defining the conditions upon which such returns shall be filed.

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, 1986.

Approved March 22, 1986.

CHAPTER 91
(H.B. No. 362)

AN ACT

RELATING TO KILOWATT HOUR TAXES; AMENDING SECTION 63-2701, IDAHO CODE, TO PERMIT THE TAX COMMISSION TO ALLOW FILING OF KILOWATT HOUR TAX RETURNS ON A QUARTERLY RATHER THAN A MONTHLY BASIS; AMENDING SECTION 63-2702, IDAHO CODE, TO STRIKE REFERENCE TO MONTHLY REPORTING PERIODS; AND AMENDING SECTION 63-2704, IDAHO CODE, TO STRIKE REFERENCE TO MONTHLY REPORTING PERIODS.

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

SECTION 1. That Section 63-2701, Idaho Code, be, and the same is hereby amended to read as follows:

63-2701. STATEMENT OF ELECTRIC GENERATING COMPANIES -- TAX. (1) In addition to the licenses and taxes now provided by law, each and every individual, firm, partnership, common law trust, corporation, association or other organization, now engaged or hereafter to engage in the generation, manufacture or production of electricity and electrical energy in the state of Idaho, through and by means of water power, for barter, sale, or exchange, and hereinafter referred to as the "producer," shall on or before the ~~fifteenth~~ last day of each calendar month, ~~beginning with the fifteenth day of July, 1949,~~ render a statement to the state tax commission of the state of Idaho of all such electricity and electrical energy so generated, manufactured or produced by him or it in the state of Idaho, during the preceding calendar month and therewith pay a license tax of one-half mill per kilowatt hour on all such electricity and electrical energy so generated, manufactured or produced, except electricity and electrical energy generated or sold for use in manufacturing, mining, milling, smelting, refining and processing, as shown on such statement in the manner and within the time hereinafter provided.

(2) The state tax commission may by regulation provide for the filing of statements required in this section on a quarterly basis, in which case the statement shall be due on or before the last day of the calendar month following the end of the quarter to which the statement relates.

SECTION 2. That Section 63-2702, Idaho Code, be, and the same is hereby amended to read as follows:

63-2702. PAYMENT OF TAX -- INTEREST ON DELINQUENCIES. Said license tax shall be remitted with the statement required under section 63-2701, Idaho Code, and paid ~~on or before the fifteenth day of each month,~~ to the state tax commission, who shall receipt therefor and promptly turn same over to the state treasurer, as other receipts of his office, and the state treasurer shall place same to the credit of the general fund. Taxes not paid on the due date shall become delinquent and shall bear interest from said due date at the rate provided

in section 63-3045, Idaho Code.

SECTION 3. That Section 63-2704, Idaho Code, be, and the same is hereby amended to read as follows:

63-2704. ~~Monthly~~ STATEMENT OF KILOWATT HOURS PRODUCED. Every such producer shall ~~on or before the fifteenth day of each calendar month,~~ render to the state tax commission of the state of Idaho on forms prescribed, prepared and furnished by the state tax commission, ~~a~~ the statement required under section 63-2701, Idaho Code, sworn to by the manager, president, secretary or treasurer of such producer, showing the number of kilowatt hours of electricity and electrical energy produced, generated or manufactured by him or it in the state of Idaho during the ~~preceding calendar month,~~ period to which the tax statement relates through and by means of water power, and the number of kilowatt hours subject to the tax imposed by this chapter. For the purpose of measuring such electricity and electrical energy such producer shall keep and maintain at the point or points of production, a recording watt hour meter or meters, or other suitable instrument for measuring the electricity or electrical energy produced, of a type to be approved by the state tax commission, and, subject to rules and regulations prescribed by the state tax commission under this chapter, shall compute the number of kilowatt hours subject to the tax imposed by this chapter during each monthly period, such recordings and computations to be kept on file at the principal place of business of such producer within the state of Idaho and same together with the books and records of such producer shall be subject to the inspection of the state tax commission, their deputies or assistants, during reasonable business hours.

Approved March 22, 1986.

CHAPTER 92
(H.B. No. 377)

AN ACT

RELATING TO THE MINE LICENSE TAX; AMENDING SECTION 47-1208, IDAHO CODE, TO PROVIDE REFERENCES TO THE IDAHO INCOME TAX ACT, RELATING TO ENFORCEMENT OF REQUIREMENTS TO FILE RETURNS, CLARIFICATION OF AUTHORIZATION TO PAY REFUNDS AND INTEREST THEREON, AND THE REQUIREMENT TO REPORT FEDERAL AUDIT CHANGES.

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

SECTION 1. That Section 47-1208, Idaho Code, be, and the same is hereby amended to read as follows:

47-1208. TAX DEFICIENCY COLLECTION AND ENFORCEMENT PROCEDURES. The deficiency in tax and notice of deficiency as well as the collec-

tion and enforcement procedures provided by the Idaho income tax act, sections 63-3030A, 63-3033, 63-3038, 63-3039, 63-3040, 63-3042 through 63-3065A, 63-3068, 63-3069, 63-3071, 63-3072, 63-3073 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 a license tax for the privilege of mining lien or proceeding.

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

Approved March 22, 1986.

CHAPTER 93
(H.B. No. 415)

AN ACT

RELATING TO WORKER'S COMPENSATION; REPEALING SECTIONS 72-327 AND 72-328, IDAHO CODE; AMENDING CHAPTER 3, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-327, IDAHO CODE, TO PROVIDE AN EXCISE LEVY OF FIVE PER CENT ON ALL FUTURE BENEFITS PAID BY AN EMPLOYER, AND TO PROVIDE FOR A REDUCTION OF THE LEVY TO FOUR PER CENT IF THE CASH BALANCE OF THE INDUSTRIAL SPECIAL INDEMNITY FUND EXCEEDS A CERTAIN AMOUNT; AMENDING CHAPTER 3, TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 72-328, IDAHO CODE, TO PROVIDE THAT IF THE INDUSTRIAL SPECIAL INDEMNITY FUND EXCEEDS A CERTAIN AMOUNT, THE EXCISE LEVY MAY BE SUSPENDED; AMENDING SECTION 72-420, IDAHO CODE, TO PROVIDE FOR AN INCREASED CONTRIBUTION TO THE INDUSTRIAL SPECIAL INDEMNITY FUND WHEN AN EMPLOYEE DIES WITHOUT DEPENDENTS; PROVIDING A SCHEDULE OF EFFECT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Sections 72-327 and 72-328, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 3, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-327, Idaho Code, and to read as follows:

72-327. SOURCE OF FUND -- EXCISE LEVY. (1) Except as otherwise provided in section 72-328, Idaho Code, and subsection (2) of this section, in addition to any benefits paid to an employee, the employer shall forthwith pay to the industrial commission, for deposit in the industrial special indemnity fund, a lump sum without discount, equal to five per cent (5%) of all benefits or other considerations specified in any summary and award, commission order, compensation agreement, award or approved settlement, whether specified in percentage ratings, specific dollar amounts or in some other form which may be converted to a specific dollar amount, and including credits for previously paid or advanced permanent disability income benefits, but specifically excluding amounts paid or owing by an employer for total temporary or partial temporary disability income benefits and previously paid or incurred medical benefits.

(2) Whenever the cash balance of the industrial special indemnity fund shall exceed two million dollars ($2,000,000), upon notification of that fact by the manager, supported by statements of the treasurer and director of the department of administration, the levy of excise provided for in subsection (1) of this section shall be reduced to four per cent (4%), and shall remain at that level until:

(a) The cash balance of the fund shall again be reduced below two million dollars ($2,000,000), at which time the levy of excise shall increase to five per cent (5%); or

(b) The cash balance of the fund shall reach the limitations of section 72-328, Idaho Code, at which time the provisions of that section shall apply.

During any period when the four per cent (4%) levy specified in paragraph (a) above is in effect, the manager shall furnish the commission such periodic financial information as it may require to assist it in providing notice of and implementing increases and reductions in levies.

(3) Any notice from the commission temporarily increasing or reducing the percentage of excise levy shall be made by the commission at least thirty (30) days prior to the application of the notice and a certified copy of such notice shall be filed in the office of the state treasurer and the office of the state auditor, with a copy thereof to the manager.

(4) As applied in this act, the terms "cash balance" and "cash balance of the fund" mean all money deposited or invested by the state treasurer to the credit of the industrial special indemnity fund, pursuant to sections 72-325 and 72-326, Idaho Code, and all interest earned thereon.

SECTION 3. That Chapter 3, Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 72-328, Idaho Code, and to read as follows:

72-328. SUSPENSION OF EXCISE -- DISCRETION OF COMMISSION. Whenever the cash balance of the industrial special indemnity fund shall exceed two million five hundred thousand dollars ($2,500,000), the

commission, upon notification of that fact by the manager, supported by statements of the treasurer and director of the department of administration, shall temporarily suspend the levy of the excise made pursuant to section 72-327, Idaho Code. Such suspension of the levy shall remain in effect until the cash balance of the fund shall again be reduced to two million dollars ($2,000,000) or less, at which time the commission, upon notification of that fact by the manager, supported by statements of the treasurer and director of the department of administration, shall reinstate the appropriate levy of excise, as specified in section 72-327, Idaho Code.

Any notice of suspension or reinstatement of the excise levy shall be made by the commission and shall become effective immediately upon a certified copy of such notice being filed in the office of the state treasurer and the office of the state auditor, with a copy thereof to the manager.

SECTION 4. That Section 72-420, Idaho Code, be, and the same is hereby amended to read as follows:

72-420. COMPENSATION TO STATE WHEN DEPENDENCY NOT CLAIMED OR PROVED. In case no claim for compensation is made by a dependent of a deceased employee and filed with the commission within one (1) year after the death, or in case a claim is made and filed within such year and no dependency proven, the employer shall pay into the state treasury the sum of ~~five~~ ten thousand dollars ($510,000) to be deposited in the industrial special indemnity account.

SECTION 5. This act shall apply to all summary and awards, industrial commission orders, compensation agreements and approved settlements and all other like benefits, as referred to in section 2 of this act, ordered, approved or entered into on and after the effective date of this act.

SECTION 6. EMERGENCY. The current balance of the fund is insufficient to pay its existing and established benefit obligations. Increased contributions are essential at the earliest possible date to preserve the solvency of the fund and pay existing benefit claims. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 22, 1986.

CHAPTER 94
(H.B. No. 445)

AN ACT

RELATING TO TELEVISION TRANSLATOR DISTRICTS; AMENDING SECTION 31-4113, IDAHO CODE, TO PROVIDE THAT A TREASURER OF THE TELEVISION TRANSLATOR DISTRICT MAY BE BONDED AND TO PROVIDE FOR THE HANDLING OF DISTRICT FUNDS.

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

SECTION 1. That Section 31-4113, Idaho Code, be, and the same is hereby amended to read as follows:

31-4113. TREASURER FOR DISTRICT -- HANDLING OF FUNDS -- QUALIFICATION AND DUTY. ~~The county treasurer of the county in which the greatest number of service units benefited by the district shall be the treasurer for the district and hold the assessment as collected in that county and moneys collected in any other county and forward to him in a separate fund to be disbursed by him upon warrants drawn by the trustees, at least two (2) of whom shall sign any warrant for the disbursement of the funds by the county treasurer.~~ The board of trustees of the district shall appoint a treasurer, who may be bonded, to receive funds paid over by the county treasurer to the treasurer of the television translator district, who shall deposit the same in a bank and be handled in the manner prescribed by the state depository law and all other funds received by or on behalf of the district, shall be deposited by the treasurer to the credit of the district funds.

Approved March 22, 1986.

CHAPTER 95
(H.B. No. 470)

AN ACT

RELATING TO IN-HOSPITAL PEER REVIEW COMMITTEES; AMENDING CHAPTER 13, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 13-1392f, IDAHO CODE, TO REQUIRE HOSPITAL MEDICAL STAFFS TO FORM PEER REVIEW COMMITTEES.

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

SECTION 1. That Chapter 13, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-1392f, Idaho Code, and to read as follows:

39-1392f. PEER REVIEW. Every hospital subject to this act shall cause the hospital's medical staff to organize in-hospital medical staff committees which shall have the responsibility of reviewing the professional practices of members of the hospital's medical staff for the purpose of reducing morbidity and mortality, and for the improvement of the care of patients in the hospital. This review shall include, but not be limited to, the quality and necessity of care provided to patients.

Approved March 22, 1986.

CHAPTER 96
(H.B. No. 474)

AN ACT

RELATING TO VEHICLE OWNER'S LIABILITY FOR THE NEGLIGENCE OF ANOTHER; AMENDING SECTION 49-1404, IDAHO CODE, TO INCREASE THE SETTLEMENT AMOUNT NECESSARY TO SETTLE ALL CLAIMS WHERE TWO OR MORE PERSONS ARE INJURED OR KILLED IN ONE ACCIDENT FROM TWENTY THOUSAND DOLLARS TO FIFTY THOUSAND DOLLARS.

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

SECTION 1. That Section 49-1404, Idaho Code, be, and the same is hereby amended to read as follows:

49-1404. OWNER'S TORT LIABILITY FOR NEGLIGENCE OF ANOTHER -- SUBROGATION. 1. Responsibility of owner for negligent operation by person using vehicle with permission--Imputation of negligence. Every owner of a motor vehicle is liable and responsible for the death of or injury to a person or property resulting from negligence in the operation of such motor vehicle, in the business of such owner or otherwise, by any person using or operating the same with the permission, expressed or implied, of such owner, and the negligence of such person shall be imputed to the owner for all purposes of civil damages.

2. Limitation of liability. The liability of an owner for imputed negligence imposed by this section and not arising through the relationship of principal and agent or master and servant is limited to the amount of twenty-five thousand dollars ($25,000) for the death or injury to one (1) person in any one (1) accident and subject to said limit as to one (1) person is limited to the amount of fifty thousand dollars ($50,000) with respect to the death or injury to more than one (1) person in any one (1) accident and is limited to the sum of fifteen thousand dollars ($15,000) for damage to property of others in any one (1) accident.

3. Operator to be made party defendant--Recourse to operator's property. In any action against an owner on account of imputed negligence as imposed by this section the operator of said vehicle whose negligence is imputed to the owner shall be made a party defendant if personal service of process can be had upon said operator within this state. Upon recovery of judgment, recourse shall first be had against the property of said operator so served.

4. Subrogation of owner to rights of person injured--Recovery from operator--Bailee and driver deemed operators. In the event a recovery is had under the provisions of this section against an owner on account of imputed negligence such owner is subrogated to all the rights of the person injured and may recover from such operator the total amount of any judgment and costs recovered against such owner. If the bailee of an owner with the permission, expressed or implied, of the owner, permits another to operate the motor vehicle of the owner, then such bailee and such driver shall both be deemed operators of the vehicle of the owner, within the meaning of subdivisions 3 and

4 of this section.

5. Settlement and payment of claims where two (2) or more are injured or killed in one (1) accident--Diminution or extinguishment of owners' liability. Where two (2) or more persons are injured or killed in one (1) accident, the owner may settle or pay any bona fide claim or claims for damages arising out of personal injuries or death, whether reduced to a judgment or not, and such payments shall diminish to the extent thereof the owners' total liability on account of such accident; and payments so made aggregating the full sum of ~~twenty~~ fifty thousand dollars ($~~2~~50,000) shall extinguish all liability of the owner hereunder to said claimants and all other persons on account of such accident; which liability may exist by reason of imputed negligence, pursuant to this section, and not arising through the negligence of the owner nor through the relationship of principal and agent nor master and servant.

6. Vendee or assignee not deemed owner until possession retaken--Chattel mortgagee not deemed owner. If a motor vehicle is sold under a contract of conditional sale whereby the title to such motor vehicle remains in the vendor, such vendor or his assignee shall not be deemed an owner within the provisions of this section, but the vendee or his assignee, shall be deemed the owner notwithstanding the terms of such contract, until the vendor or his assignee retake possession of such motor vehicle. A chattel mortgagee of a motor vehicle out of possession shall not be deemed an owner within the provisions of this section.

Approved March 22, 1986.

CHAPTER 97
(H.B. No. 492, As Amended)

AN ACT

RELATING TO ELECTIONS; REPEALING SECTION 18-2318, IDAHO CODE; AMENDING CHAPTER 23, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-2318, IDAHO CODE, TO PROHIBIT CERTAIN ELECTIONEERING PRACTICES AT ELECTION POLL LOCATIONS, TO PROHIBIT OBSTRUCTION OF DOORS TO A POLLING PLACE AND TO PROVIDE FINES; AND AMENDING SECTION 34-2309, IDAHO CODE, TO REMOVE SUPERFLUOUS LANGUAGE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 18-2318, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 23, 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 18-2318, Idaho Code, and to read as follows:

18-2318. ELECTIONEERING AT POLLS. (1) On the day of any primary, general or special election, no person may, within a polling place, or any building in which an election is being held, or within one hundred (100) feet thereof:

(a) Do any electioneering;

(b) Circulate cards or handbills of any kind;

(c) Solicit signatures to any kind of petition; or

(d) Engage in any practice which interferes with the freedom of voters to exercise their franchise or disrupts the administration of the polling place.

(2) No person may obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.

(3) Any election officer, sheriff, constable or other peace officer is hereby authorized, and it is hereby made the duty of such officer, to arrest any person violating the provisions of subsections (1) and (2) of this section, and such offender shall be punished by a fine of not less than twenty-five dollars ($25.00) nor exceeding one hundred dollars ($100).

SECTION 3. That Section 34-2309, Idaho Code, be, and the same is hereby amended to read as follows:

34-2309. AUTOMATIC RECOUNT. A losing candidate for nomination, or election to a federal, state, or county office may request a recount of the votes cast for the nomination or election to that office if the difference between the vote cast for that candidate and for the winning candidate for nomination or election is less than or equal to one-tenth of one percent (0.1%) of the total votes cast for that office~~,-but-in-no-case,-less-than-one-(1)-vote~~. All requests shall be in writing, and filed with the attorney general during the time mentioned in section 34-2301, Idaho Code.

The state shall pay for the automatic recount of a federal, state, or legislative district office, while the county shall pay for the automatic recount of a county office.

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 22, 1986.

CHAPTER 98
(H.B. No. 499)

AN ACT

RELATING TO DECENNIAL COUNTY ELECTIONS FOR NEW TYPE OF HIGHWAY ADMINISTRATION; REPEALING SECTION 40-1711, IDAHO CODE.

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

SECTION 1. That Section 40-1711, Idaho Code, be, and the same is hereby repealed.

Approved March 22, 1986.

CHAPTER 99
(H.B. No. 501)

AN ACT

RELATING TO LOCAL HIGHWAY NEEDS; AMENDING SECTION 40-317, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A PERMANENT LOCAL HIGHWAY NEEDS ASSESSMENT COUNCIL; AMENDING CHAPTER 7, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-716, IDAHO CODE, TO ESTABLISH A LOCAL HIGHWAY NEEDS ASSESSMENT ACCOUNT TO BE USED TO PROVIDE INFORMATION TO LOCAL AND STATE HIGHWAY ENTITIES; AND AMENDING SECTION 63-2412, IDAHO CODE, TO REDUCE THE ANNUAL DISTRIBUTION OF TAX REVENUES TO THE RAILROAD GRADE CROSSING PROTECTION ACCOUNT, AND TO PROVIDE FOR DISTRIBUTION OF FUNDS TO THE LOCAL HIGHWAY NEEDS ASSESSMENT ACCOUNT.

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

SECTION 1. That Section 40-317, Idaho Code, be, and the same is hereby amended to read as follows:

40-317. POWERS AND DUTIES -- COOPERATIVE EFFORTS. The board may:

(1) Cooperate with, and receive and expend aid and donations from the federal government for transportation purposes, and receive and expend donations from other sources for the construction and improvement of any state highway or transportation project or any project on the federal-aid primary or secondary systems or on the interstate system, including extensions of them within urban areas; and, when authorized or directed by any act of congress or any rule or regulation of any agency of the federal government, expend funds donated or granted to the state of Idaho by the federal government for that purpose, upon highways and bridges not in the state highway system.

(2) Contract jointly with counties, cities, and highway districts for the improvement and construction of state highways.

(3) Cooperate with the federal government, counties, highway districts, and cities for construction, improvement, and maintenance of secondary or feeder highways not in the state highway system.

(4) Cooperate financially or otherwise with any other state or any county or city of any other state, or with any foreign country or any province or district of any foreign country, or with the government of the United States or its agencies, or private agencies or persons, for the erecting, construction, reconstructing, and maintaining

of any bridge, trestle, or other structure for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp or other topographical formation requiring any such structure and forming a boundary between the state of Idaho and any other state or foreign country, and for the purchase or condemnation or other acquisition of right-of-way.

(5) Serve as the state's representative in the designation of forest highways within the state.

(6) Negotiate and enter into bilateral agreements with designated representatives of contiguous states. Agreements 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. 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.

(7) Enter into all contracts and agreements with the United States government in the name of the state of Idaho, relating to the survey, construction and maintenance of roads, under the provisions of any act of congress including county and city highways, and submit a program of construction and maintenance as may be required by the United States government or any of its agencies, and do all other things necessary to cooperate and complete those programs.

(8) Appoint a permanent local highway needs assessment council, consisting of eight (8) members equally representing the cities, counties, highway districts and the department. The appointments shall be made considering recommendations from the respective associations. Length of appointment shall be determined by the board in consultation with the local associations.

SECTION 2. That Chapter 7, 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 40-716, Idaho Code, and to read as follows:

40-716. ESTABLISHMENT OF LOCAL HIGHWAY NEEDS ASSESSMENT ACCOUNT -- ADMINISTRATION. (1) There is established in the dedicated fund of the state treasury an account to be known as the "Local Highway Needs Assessment Account." Funds from this account shall be used to:

(a) Provide local highway needs information for evaluating the amount and distribution of federal payments in lieu of taxes;

(b) Assess the cost impact on the local highway system by exempt federal vehicles and by operations related to federal management of public lands;

(c) Determine the cost responsibility of providing access to federally-owned land;

(d) Determine a coordinated local highway needs response to federal land regulations affecting local highways in Idaho;

(e) Provide local highway needs information that can be related to state highway needs; and

(f) Provide local highway needs information for federal performance monitoring of federally-aided local highway systems.

(2) The department is charged with the sole and exclusive administration of the account and shall follow federal guidelines in making the highway needs assessments which are funded in part with federal funds.

SECTION 3. That Section 63-2412, Idaho Code, be, and the same is hereby amended to read as follows:

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, or from the fees imposed by the commission under the provisions of section 63-2409, Idaho Code, shall be distributed periodically as follows:

(a) As soon as possible after the beginning of each fiscal year, 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 shall be retained by the commission. The amount retained by the commission shall not exceed the amount authorized to be expended by appropriation by the legislature. Any unencumbered balance in excess of the actual cost of collecting, administering and enforcing the gasoline tax requirements by the commission at the end of each fiscal year shall be distributed as listed in paragraph (e) of this subsection on that date.

(b) An amount of money shall be distributed to the state refund account, in the trust and agency fund, sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account and those moneys are hereby continuously appropriated for that purpose.

(c) As soon as possible after the beginning of each fiscal year, the sum of ~~one-hundred~~ fifty thousand dollars ($~~1~~050,000) shall be distributed 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) As soon as possible after the beginning of each fiscal year, the sum of fifty thousand dollars ($50,000) shall be distributed to the local bridge inspection account in the dedicated fund, to pay the amounts from the account pursuant to the provisions of section 40-703, Idaho Code.

(e) As soon as possible after the beginning of fiscal year 1987, the sum of fifty thousand dollars ($50,000) shall be distributed to the local highway needs assessment account in the dedicated fund to pay amounts from the account pursuant to the provisions of section 40-716, Idaho Code. As soon as possible after the beginning of each subsequent fiscal year, only the sum necessary to bring the balance of the local highway needs assessment account to fifty thousand dollars ($50,000) shall be distributed to that account.

(f) From the balance remaining with the commission after distributing the amounts in paragraphs (a)~~,-(b),-(c)-and-(d)~~ through (e)

of subsection (1) of this section:

1. One per cent (1%) shall be distributed to the waterways improvement account, as created in chapter 15, title 57, Idaho Code, until the distribution equals three hundred thousand dollars ($300,000), at which time the one ~~percent~~ per cent (1%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code;

2. One per cent (1%) shall be distributed to the off-road motor vehicle account as created in section 57-1901, Idaho Code, until the distribution equals three hundred thousand dollars ($300,000), at which time the one ~~percent~~ per cent (1%) shall be distributed into the park and recreation capital improvement account as created in section 57-1801, Idaho Code; and

3. Ninety-eight per cent (98%) shall be distributed to the highway distribution account, created in section 40-701, 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 distributed to the state refund account, in the trust and agency fund, sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid from the state refund account, and those moneys are hereby continuously appropriated for that purpose.

(b) The balance remaining of all the taxes collected shall be distributed to the state aeronautics account, as provided in section 21-211, Idaho Code.

Approved March 22, 1986.

CHAPTER 100
(H.B. No. 471)

AN ACT

RELATING TO THE REPORTING OF PHYSICIAN DISCIPLINE; AMENDING SECTION 39-1393, IDAHO CODE, TO REQUIRE HOSPITAL MEDICAL STAFFS TO REPORT TO THE IDAHO STATE BOARD OF MEDICINE ALL DISCIPLINARY ACTION AGAINST PHYSICIANS INCLUDING THE MONITORING OF A PHYSICIAN'S ACTIVITIES AND TO EXCLUDE FROM THE REPORTING REQUIREMENT DISCIPLINARY ACTIONS BASED ON MEDICAL RECORDS REQUIREMENTS.

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

SECTION 1. That Section 39-1393, Idaho Code, be, and the same is hereby amended to read as follows:

39-1393. NOTIFICATION OF DISCIPLINARY ACTION IMPOSED UPON PHYSI-

CIAN -- CONFIDENTIALITY OF INFORMATION. The medical staff of any licensed acute care hospital in this state shall promptly notify the board of medicine of all disciplinary actions and revocations or reductions of privileges imposed upon any physicians and surgeons licensed to practice medicine and surgery in Idaho, as respects his or her practice in or as a member of the medical staff of such hospital, including voluntary or involuntary reduction in medical staff privileges or submission to monitoring by the medical staff of the physicians physical condition or delivery of medical services, which notice shall be given at the close of proceedings and shall generally advise of the nature of and the grounds for such action and resulting disposition ~~if--the-medical-staff,-acting-by-or-through-its-duly-authorized-committee,-board-or-officers,-determines-that-the-public-interest will-be-served-thereby~~. Disciplinary action based solely on compliance with hospital medical records requirements shall not be reportable. No person, hospital, corporation, firm or other entity or association shall be civilly or otherwise liable for providing notification required by this act, and such immunity shall likewise pertain to the provision of additional files, records and information in such cases as requested by the board of medicine or as such hospital may in its discretion elect to provide on its own initiative. Such materials provided the board shall be confidential and available only to the board and its staff unless and until the board otherwise so orders or such matter becomes the subject of formal proceedings by or before the board or authorized by it.

Approved March 22, 1986.

CHAPTER 101
(H.B. No. 512)

AN ACT

RELATING TO TESTING AND STANDARDS FOR VARIOUS DAIRY PRODUCTS; AMENDING SECTION 37-326, IDAHO CODE, TO DELETE CURRENT CREAM CHEESE STANDARDS AND TO PROVIDE THAT MILK AND CREAM UTILIZED IN THE MANUFACTURE OF DAIRY PRODUCTS AND ALL MANUFACTURED DAIRY PRODUCTS SHALL MEET REQUIREMENTS OF STATE LAW, THE REQUIREMENTS OF FEDERAL LAWS AND RULES OR REGULATIONS PROMULGATED OR ADOPTED PURSUANT TO STATE OR FEDERAL LAW; REPEALING SECTION 37-327, IDAHO CODE; AMENDING SECTION 37-402, IDAHO CODE, TO DELETE THE RESAZURIN METHOD AS AN OFFICIAL BACTERIA TEST FOR TESTING MILK, TO PROVIDE A MONTHLY MASTITIC TEST AND TO PROVIDE A PROCEDURE TO BE FOLLOWED IN THE EVENT OF REJECTION OF A DAIRY PRODUCT; AMENDING SECTION 37-410, IDAHO CODE, TO PROVIDE ADDITIONAL STANDARDS FOR FARM HOLDING AND/OR COOLING TANKS AND TO CORRECT A TYPOGRAPHICAL ERROR; AMENDING SECTION 37-411, IDAHO CODE, TO PROVIDE THAT SINGLE LENGTH, DURABLE, NONTOXIC, FLEXIBLE MILK CONDUCTOR TUBING SHALL BE USED FOR CONVEYING MILK FROM THE FARM TANK TO THE TRANSPORTATION TANK; AMENDING SECTION 37-412, IDAHO CODE, TO PROVIDE THAT NO MILK

HAULER SHALL GRADE, MEASURE OR SAMPLE MILK HAULED BY HIM WITHOUT WRITTEN AUTHORIZATION FROM THE RECEIVING PLANT AND TO DELETE REQUIREMENTS CONCERNING OUTSIDE OPENINGS; AND AMENDING SECTION 37-506, IDAHO CODE, TO PROVIDE FOR PROTEIN AND LACTOSE TESTING AS A BASIS OF PAYMENT TO MILK PRODUCERS AND TO PROVIDE THAT TESTING METHODS SHALL BE APPROVED IN THE LATEST EDITION OF THE METHODS OF ANALYSIS OF THE ASSOCIATION OF ANALYTICAL CHEMISTS.

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

SECTION 1. That Section 37-326, Idaho Code, be, and the same is hereby amended to read as follows:

37-326. ~~TEST--OF-CREAM-CHEESE~~ STANDARDS FOR DAIRY PRODUCTS. ~~Cream cheese-under-this-chapter-shall-contain-not-less-than-thirty-per--cent of--pure--butter--fat--and--shall-have-been-manufactured-from-pure-and wholesome-milk,-from-which-no-portion-of-the--butter--fat--shall--have been--removed--by-skimming-or-by-other-process,-and-in-the-manufacture of-which-neither-butter-nor-any-substance-for-butter,-or-any-animal-or vegetable-fats-or-oils,-have-been-used,-or--any--fat--which--has--been extracted--from-milk-in-any-form-and-returned-for-the-purpose-of-filling-said-cheese.-All-cheese-containing-less-than-thirty--per--cent--of pure-butter-fat-shall-be-marked-"skimmed-cheese"-in-full-faced-capital letters--not--less--than--one-inch-high-with-such-ink-as-is-not-easily removed-by-moisture.-The-manufacture-or-sale-of-any-cheese--containing less--than--fifteen--per-cent-of-pure-butter-fat,-or-so-called-"filled cheese,"-is-hereby-prohibited:-provided,-that-nothing-in-this--section shall--be-construed-to-apply-to-Edam,-Brickstein,-pineapple,-Limburger or-Swiss-cheese,-or-hand-made-cheese,-or-any-other-fancy-cheese:--provided,-further,-that-cheese-not-made-in-this-state,-but-which-shall-be sold-or-offered-for-sale-in-this-state-shall-be-so-stamped-as-to-indicate--its--true-character:-and,-provided-further,-that-no-cheese-shall be-stamped-"full-cream"-which-does-not-in-every-particular-comply-with the-requirements-of-full-cream-cheese,-as-hereinbefore-set--forth~~ All milk or cream utilized in the manufacture of dairy products and all manufactured dairy products produced, distributed, offered for sale, or sold in Idaho shall meet the requirements established by title 37, Idaho Code, of federal law or rules or regulations promulgated or adopted pursuant to state or federal law.

SECTION 2. That Section 37-327, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 37-402, Idaho Code, be, and the same is hereby amended to read as follows:

37-402. STANDARDS, RULES AND REGULATIONS. The following standards, rules and regulations concerning the sanitation of milk and cream are hereby established:

1. The term "processor" as used herein shall mean any individual, partnership, association, or corporation doing business in the state of Idaho that produces, purchases, obtains or uses in the state of

Idaho any milk or cream for use in the manufacture of butter, cheese, evaporated milk, frozen desserts, frozen novelties, edible dry milk, or other dairy products. The term "processor" shall not include any individual, partnership, association or corporation which produces, purchases, obtains, or uses milk or cream for his or its own consumption. The term "producer" as used in this act shall mean any person, firm or corporation who owns or controls one ~~(1)~~ or more cows a part or all of the milk from which is sold or offered for sale to a processor.

2. No processor shall purchase or obtain in any manner, or use in any manner, for the sale or manufacture of any of the above named dairy products any unacceptable milk or cream as herein defined.

3. The processor shall, for the purpose of determining the acceptability or unacceptability of milk or cream, cause all milk or cream to be tested and graded according to the standards herein defined before purchase, acquisition, or use in any manner, provided, however, that where the processor customarily purchases the milk or cream of any person regularly engaged in the production thereof, the processor is required to test milk and cream of such producer not less than once each month by the standard sediment test ~~and once each month by the resazurin method~~ approved bacteria test and an approved mastitic test, or such other test as may be prescribed by the director of the department of agriculture and when milk or cream from any such producer is found unacceptable as a result of either test, the processor shall thereafter test the milk or cream of such producer daily by the same test until it is found to be acceptable. Each such processor shall retain for at least one (1) year at the place where such milk or cream is received a record of such tests in the form and of the content which shall be prescribed by the department of agriculture and shall exhibit such record at the place where the same is kept whenever requested to do so by the producer or the department and shall permit copies thereof to be taken.

4. Milk or cream is unacceptable which does not meet the standards and comply with the regulations promulgated by the director under this act.

5. Any milk or cream which is unclean, unwholesome or unfit for human consumption, as determined by the department, shall be rejected as unacceptable.

6. When any milk or cream is rejected as unacceptable it shall be the duty of the director or his agent to notify~~, in writing,~~ all processors in the immediate area, giving the producer's name~~,~~ and address ~~and can number~~.

7. Following receipt of such notification no processor shall purchase, obtain or use milk or cream from such producer until notified by the director or his agent that milk or cream from such producer is acceptable or until the milk or cream of such producer has subsequently been found to be acceptable for ten (10) consecutive days after testing the same in the manner hereinabove described.

SECTION 4. That Section 37-410, Idaho Code, be, and the same is hereby amended to read as follows:

37-410. STANDARDS FOR HOLDING AND COOLING TANKS. The following standards are hereby adopted relating to farm holding and/or cooling tanks:

A. Each producer desiring to install a farm holding and/or cooling tank shall obtain approval from the director of the department of agriculture of the state of Idaho or his duly authorized representative, and shall furnish the following information to said director:

1. Tank make, model, and capacity.

2. A sketch (approximately to scale) of the milk room floor plan showing location of tank, outlet of tank, wall opening for milk conductor tubing, other milk house equipment and access area for tank truck approach.

B. The milk house and/or milk room shall have a concrete floor of smooth finish easily cleanable.

C. Farm tanks and all equipment used in connection therewith shall comply with the Sanitary Standards Symbol Administrative Council, 3A standards in effect at the time of the passage of this act.

D. The farm tank shall be located in the milk room so as to provide not less than thirty-six inches (36") clearance on all working sides of the tank, provided, however, that in the case of producers using tanks at the time of the enactment of this act clearances as specified above may be waived by the director if the producer demonstrates his ability to keep the interior and exterior surfaces of the tank and the walls and floors of the milk house in a clean condition. All tanks shall be located so as to provide at least six (6) inches of clearance between the floor and bottom of tanks, except that a four (4) inch minimum clearance is acceptable if the bottom slopes upward at least six (6) inches in a horizontal distance of twelve (12) inches. Remote compressors which are located in milk rooms shall be so installed as to be easily cleanable. Floor drains shall be trapped and shall not be located under the farm tank.

E. A fixed, properly encased opening not less than six (6) inches above the floor of the milk house or the outside loading platform, whichever is higher, shall be provided in an exterior wall of the milk house on the side closest to the tank outlet to accommodate the milk conductor tubing used to pump the milk from the farm tank to the truck tank. Such openings shall not be less than six (6) inches or more than eight (8) inches in size and shall be provided with a flat, tight, self-closing device.

F. When electricity is the motive power for the milk transport tank milk pump, a lock type electrical connection with ground and weatherproof type receptacle located on the outside of the building with a switch box located on the inside of the building shall be provided.

G. Water for washing farm tanks shall be from an approved supply and shall be under pressure. Hoses for washing the milk house and the bulk tank shall be used for no other purpose and be stored on a rack convenient to the bulk tank. An automatic hot water storage tank (pressure type) shall be provided and shall be not less than thirty (30) gallons capacity and equipped with a thermostat capable of maintaining water temperature at least 140° Fahrenheit. Extra capacity higher temperature, or both shall be provided for CIFP installations,

off peak heating, and milk house heating or other hot water usages. Gas heaters, if used, shall be properly vented.

H. Adequate evenly distributed artificial light, not placed directly over the tank, shall be provided and shall be so located that cleaning will be easily accomplished. Adequate lighting may be obtained by providing two (2) one hundred fifty (150) watt flood lamps about one (1) foot from the ends of the tank and a one hundred (100) watt bulb over the wash vats.

I. Farm tanks shall be protected from overhead contamination.

J. All outside openings shall be screened and self-closing doors shall open outward.

K. The truck approach shall be properly graded and surfaced to prevent pooling of water at the point of loading. Adequate artificial light shall be provided to illuminate this area to facilitate loading during hours when natural light is insufficient. This area shall be provided with a concrete slab or an asphalt surface of sufficient size to effectively protect the milk conducting hose from contamination.

~~K~~L. Cleaning and bactericidal treatment shall conform to regulations adopted by the department of agriculture. Farm tanks shall be thoroughly cleaned after each use, and then prior to the next milking exposed to two hundred (200) parts per million (1,000,000) of residual chlorine. In cases where farm tanks are equipped with removable drop pipes, a vat large enough and low enough for the washing and sanitizing of this equipment shall be provided. Chemical sprayers are recommended for sanitizing farm tanks and if utilized, shall be used for no other purpose.

~~L~~M. Indicating thermometers on all farm tanks shall be kept in proper operating condition. The driver shall possess an accurate approved type thermometer to enable him to check the indicating thermometers of the farm bulk tanks. The department of agriculture, using an approved type thermometer, shall check, periodically, the indicating thermometer on farm bulk tanks to determine its accuracy.

~~M~~N. Abnormal milk, adulterated milk and milk containing objectionable odors shall not be added to the farm tank. The sampler and/or tester shall check the milk for abnormalities before pumping the milk to the tank truck. The entire supply of milk in the farm tank shall be rejected if such milk is detected.

~~N~~O. Bulk cooling tanks shall be designed and equipped with refrigeration to permit the cooling of the milk to 40° Fahrenheit or lower within two (2) hours after each milking, and maintain it at 45° Fahrenheit or below until picked up.

~~O~~P. All steps necessary shall be employed to prevent the contamination of milk handled through bulk farm pick up. This shall pertain to all phases of this type of milk handling. The bulk farm tank and accessories shall be used for no other purpose than the handling of milk and the operations incident thereto.

SECTION 5. That Section 37-411, Idaho Code, be, and the same is hereby amended to read as follows:

37-411. STANDARDS FOR TRANSPORTATION TANKS. The following standards are hereby adopted relating to transportation tanks:

A. The transportation tank and accessories in the milk handling operation shall comply with the requirements of the Sanitary Standards Symbol Administrative Council, 3A standards for transportation tanks existing at the time of the passage of this act.

B. Suitable facilities, including hot and cold running water, detergent, brushes, sanitizers, and sanitizing equipment, a concrete floor with proper drainage and waste disposal shall be provided for washing and sanitizing of transportation tanks. Unless the truck is to be used within a few hours of the washing operation the sanitizing of the tank shall be omitted until just before the tank truck is to be used. During the interim the tank truck shall be protected from contamination by closing port holes, etc. Since the tank truck may be sanitized on a different date and at a different time from cleaning and washing operation, a tag shall provide space for recording this information. The washing, sanitizing and maintenance of the transportation tank and accessories shall be the responsibility of the processor or milk hauler. The department of agriculture shall be informed in writing designating the person responsible for the cleaning, sanitizing and maintenance of the transportation tank.

C. The transportation tank and all accessories shall be thoroughly rinsed after each usage and shall be thoroughly cleaned and sanitized daily and the tank tagged and sealed with a tag attached indicating that the tank has been washed and/or sanitized. This tag shall also contain the name of the person doing the work and the date on which the work was done. The tag shall be removed by the hauler at his first pickup and shall be retained at the receiving plant for a minimum of thirty (30) days.

D. Single lengths~~of~~, durable, non-toxic, flexible milk conductor tubing shall be used for conveying milk from the farm tank to the transportation tank ~~shall not exceed 8 feet~~. The inside diameter of milk conductor tubing shall not be less than one and three-eighths (1 3/8) inches. If two (2) lengths of tubing are used, they shall be connected either by the use of sanitary couplings or a piece of 3A sanitary tubing with clamps which can be removed without tools. The connections between the pump and the vehicle tank, and between the pump and the milk conductor tubing shall remain assembled except when dismantled for cleaning. The open end of the milk tubing shall be capped with an approved protective cap at all times except when loading or unloading. The outlet valve, milk pump and the milk conductor tubing and samples shall be inclosed in a properly drained, insulated, dust tight cabinet.

E. The transportation tank and the accessories shall be used for no other purpose than the handling of milk unless such other use is approved by the department of agriculture.

SECTION 6. That Section 37-412, Idaho Code, be, and the same is hereby amended to read as follows:

37-412. STANDARDS FOR MILK HAULERS. The following standards are hereby adopted relating to milk haulers and to the operation of transportation tanks:

1. All milk haulers must possess a permit issued by the depart-

ment of agriculture. All milk haulers shall be subject to such examination and abilities as the department of agriculture may prescribe by regulation in order to receive and retain such permit. The fee for the permit shall be two dollars and fifty cents ($2.50). No hauler shall grade, measure or sample ~~his own~~ milk hauled by him without written authorization from the receiving plant.

2. The milk line shall be passed through a special port opening through the milk house wall with care to prevent contact with the ground or floor of the milk house. The port opening shall be closed when not in use.

3. It shall be the responsibility of the milk hauler to assure himself that in the event the processor washes and sanitizes the truck the operation has been adequately performed, and that prior to use the tank truck has been properly sanitized. In the event it is his responsibility to sanitize the tank truck he shall do so with a chlorine solution of proper strength.

4. The milk hauler shall wash his hands immediately before gauging the milk.

5. The milk shall be observed and checked for abnormalities or adulterations, and all abnormal or adulterated milk shall be rejected.

6. The milk volume in the farm tank shall be determined in a sanitary manner.

7. The milk in the farm tank shall be thoroughly agitated. Milk samples for analysis shall be taken in a sanitary manner into properly identified sterile containers. All sampling shall follow standard methods.

8. After the milk is pumped to the transportation tank the milk conductor tubing shall be capped and returned to the vehicle storage cabinet. Care shall be taken to prevent soiling of the milk line by contact with the milk house floor, operator's hands or the ground.

9. The milk hauler shall rinse the farm tank and accessories free of milk with clean water immediately after emptying.

10. ~~All--outside--openings shall be screened. Self-closing screen doors shall open outward.~~

~~11.~~ The milk hauler shall be responsible for proper use of the transportation tank and accessories.

SECTION 7. That Section 37-506, Idaho Code, be, and the same is hereby amended to read as follows:

37-506. METHOD OF TESTING MILK AND CREAM. All milk and cream purchased or sold in the state of Idaho at a ~~purchase~~ price based upon or determined ~~by~~ the ~~milk-fat~~ milkfat, butterfat, protein, lactose or solids ~~not--fat~~ content thereof, shall be tested ~~for butterfat or solids not fat~~ by ~~such~~ the methods as are approved ~~by~~ in the latest edition of the Methods of Analysis of the Association of ~~Official Agricultural ts [Chemists]~~ Analytical Chemists and as approved by the director of the department of agriculture of the state of Idaho. Samples must be taken from every shipment of milk and cream. Daily composite samples in the case of milk or sweet cream must be taken and individual samples taken in the case of sour cream. Accurate thermometers must be provided at all times. All composite milk and sweet cream

samples must be kept protected and in a tamper-proof place between forty (40) and fifty (50) degrees Fahrenheit, and be kept for three (3) days after testing in a protected place between forty (40) and fifty (50) degrees Fahrenheit. Such samples may be examined and tested by the department of agriculture at any time.

Approved March 22, 1986.

CHAPTER 102
(H.B. No. 514)

AN ACT

RELATING TO VACCINATION AGAINST BRUCELLOSIS; AMENDING SECTION 25-603, IDAHO CODE, TO INCREASE THE PENALTY; AMENDING SECTION 25-605, IDAHO CODE, TO INCREASE THE PENALTY; AMENDING SECTION 25-613A, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES; AND AMENDING SECTION 25-616, IDAHO CODE, TO PROVIDE THAT IT IS UNLAWFUL TO PLACE A VACCINATION TAG IN THE EAR OF AN UNVACCINATED ANIMAL, AND TO INCREASE THE PENALTY.

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

SECTION 1. That Section 25-603, Idaho Code, be, and the same is hereby amended to read as follows:

25-603. COUNTY ERADICATION AREA. Upon the filing of such petition with the commissioners, they shall immediately notify the department of the filing of such petition, signed by the requisite number of petitioners, and thereupon the department shall declare such county an area engaged in the eradication of Bang's disease, and the movement of cattle into said county shall thereupon be prohibited except in conformity with the rules and regulations of the department promulgated for the purpose of preventing the introduction into such county of Bang's disease from any other county or state, and any person, firm, or corporation, who shall bring into such county any cattle in violation of the rules and regulations of the department, shall upon conviction be fined not less than ~~$25.00~~ one hundred dollars ($100) nor more than ~~$100~~ five thousand dollars ($5,000) for each animal brought into such county in violation of such rules and regulations. The department shall issue permits authorizing the moving of cattle to and from and through and across such areas for exhibition, sale, or feeding purposes and for transporting or moving cattle from one locality to another outside of such areas. Such permits shall be issued under such reasonable rules and regulations as may be promulgated from time to time by the department, with due regard to the convenience of the livestock owners and the protection of livestock within the areas established as herein provided for the eradication of Bang's disease.

SECTION 2. That Section 25-605, Idaho Code, be, and the same is

hereby amended to read as follows:

25-605. BANG'S DISEASE TESTS. Whenever the department has declared an area for the eradication of Bang's disease in accordance with the provisions of this act it shall be the duty of each cattle owner to allow the Bang's disease test to be made upon any and all cattle owned by him within said area and to pen such cattle in suitable pens and restrain them for the test whenever directed to do so in writing by the department or its representative, and each day the owner or person in charge of such cattle shall fail or refuse to allow such test, or shall fail and refuse to pen and restrain said cattle as requested by the department, shall constitute a separate offense and the owner and person in charge of said cattle shall, upon conviction for failure to comply with such request, each be fined not less than ~~$25.00~~ one hundred dollars ($100) nor more than ~~$100~~ five thousand dollars ($5,000); provided that no owner of cattle ranging on United States forest reserve or on the public domain shall be directed to pen his cattle for Bang's disease test between the dates of April 1 and December 1 of any year.

SECTION 3. 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, 1983, shall be officially calfhood vaccinated. "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 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, and chapter 6, title 25, Idaho Code, that they be slaughtered, removed from the state, or placed in an Idaho registered quarantine feed lot.

SECTION 4. That Section 25-616, Idaho Code, be, and the same is hereby amended to read as follows:

25-616. PENALTY FOR VIOLATIONS OF SECTIONS 25-608 -- 25-615. Any

person, firm, or corporation who shall fail to do or perform, or who shall not permit another to do or perform, any act which he or it is required to do or perform under sections 25-608 through 25-615, Idaho Code, inclusive, or any of them, or who shall in any manner interfere with the compliance of said sections or any of them or any provision thereof by any officer or representative of the department, bureau or commissioners, or who shall refuse to present or restrain any cattle for the purpose of branding under this act, or who shall remove any eartag from any Bang's disease reactor, or who shall remove the eartag from any animal tested or vaccinated for Bang's disease and place such tag on or in the ear of another animal, or place a vaccination tag in the ear of an unvaccinated animal, shall, upon conviction thereof, be fined not less than ~~twenty-five-dollars-($25.00)~~ one hundred dollars ($100) nor more than ~~two-hundred-dollars-($200)~~ five thousand dollars ($5,000) for each offense. For the purposes of this section, a person shall be charged with a separate offense for each animal he owns or possesses and which is found not to be in compliance with the provisions of sections 25-608 through 25-615, Idaho Code, inclusive, or any of them.

Approved March 22, 1986.

CHAPTER 103
(H.B. No. 520)

AN ACT

RELATING TO CLERK OF THE DISTRICT COURT FEES; AMENDING SECTION 31-3201, IDAHO CODE, TO STRIKE CERTIFYING AND INSERT IN LIEU THEREOF COMPARING AND CONFORMING, TO CORRECT A CODIFIER'S TYPOGRAPHICAL ERROR AND TO STRIKE A SUPERFLUOUS WORD.

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

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

31-3201. CLERK OF DISTRICT COURT -- FEES. The clerk of the district court shall lawfully charge, demand and receive the following fees for services rendered by him in discharging the duties imposed upon him by law:

For filing and docketing abstract or transcript of judgment from another court $2.00

For issuing execution upon an abstract or transcript of judgment and filing same on return $2.00

For recording execution issued upon abstract or transcript of judgment, per page $2.00

For taking affidavits, including jurat $1.00

For taking acknowledgments, including seal $1.00

For filing and indexing designation of agent of foreign corpora-

tion $2.00

For filing and indexing notarial statement $2.00

For making copy of any file or record, by the clerk, the clerk shall charge and receive, per page $1.00

For ~~certifying~~ comparing and conforming a prepared copy of any file or record, the clerk shall charge and receive, per page ... $ .50

For certifying the same ~~and~~ an additional fee for certificate and seal ~~of~~ $1.00

For all services not herein enumerated, and of him lawfully required, the clerk of the district court shall demand and receive such fees as are herein allowed for similar services.

All fees collected under the provisions of this section shall be paid over to the county treasurer, at the same time and in the same manner as other fees.

Approved March 22, 1986.

CHAPTER 104
(H.B. No. 536)

AN ACT

RELATING TO THE PRIVACY OF BUSINESS AND FINANCIAL RECORDS SUBMITTED BY BUSINESSES TO THE IDAHO DEPARTMENT OF COMMERCE; AMENDING CHAPTER 47, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4708, IDAHO CODE, TO PROVIDE THAT CERTAIN BUSINESS AND FINANCIAL RECORDS UTILIZED BY THE DEPARTMENT OF COMMERCE SHALL REMAIN CONFIDENTIAL; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 47, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-4708, Idaho Code, and to read as follows:

67-4708. CERTAIN RECORDS CONFIDENTIAL. All papers, records, correspondence, communications and proceedings of the Idaho department of commerce, its advisory board, and the Idaho travel council shall be open and public except as otherwise provided by statute; provided, however, that business records and information submitted to the department by business clients shall remain confidential and not subject to public inspection. These records and information shall include financial statements, employment/employee records, loan agreements, the method of financing, the source and terms of financing, business and individual tax returns, insurance policies, bank statements, financial institution letters and documents, sales records, inventory lists, collateral agreements, and other documents or information the business declares to be, and marked "confidential - proprietary information."

This confidentiality of records and information shall also be extended to and be consistent with the requirements for confidentiality for business information included in any application for the various federal grant, loan or loan guarantee programs, various federal procurement contracting programs, and other similar federal business assistance programs in which the Idaho department of commerce is a participant.

This confidentiality shall also apply to business information and records associated with industrial revenue bonds, department efforts to assist businesses with international marketing, industrial relocation projects, and other business development projects in which the department extends assistance.

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

Approved March 22, 1986.

CHAPTER 105
(H.B. No. 540)

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5205, IDAHO CODE, TO PROVIDE THAT THE REQUIREMENT THAT RULES BE REPUBLISHED EVERY TWO YEARS DOES NOT APPLY IF THE RULES WERE NOT CHANGED OR AMENDED IN THAT PERIOD OF TIME.

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

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

67-5205. PUBLICATION OF RULES. (a) Each agency shall compile, index and publish all effective rules adopted by such agency. Compilations shall be supplemented or revised as often as necessary and at least once every two (2) years unless no changes or additions have been made to the rules.

(b) Compilations shall be made available upon request to officials 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 furnish 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, Idaho County Court House 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, Twin Falls 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, constitute the official rules of the agency.

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

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

Approved March 22, 1986.

CHAPTER 106
(H.B. No. 543)

AN ACT

RELATING TO SPECIAL LICENSE PLATES; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-231A, IDAHO CODE, TO PROVIDE FOR SPECIAL LICENSE PLATES FOR FORMER PRISONERS OF WAR.

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

SECTION 1. That Chapter 2, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-231A, Idaho Code, and to read as follows:

49-231A. SPECIAL PLATES -- POW. (1) Any veteran, who was a prisoner of war (POW) of an armed enemy of the United States during active service in the armed forces of the United States, that service occurring during any portion of a recognized war period enumerated in this section, and who has been released or discharged from the armed forces under other than dishonorable conditions, may upon application to the department, register and receive for not more than one (1) motor vehicle, special POW number plates in lieu of regular number plates.

(2) In addition to the regular annual registration fee, the applicant shall be charged an initial one-time fee of ten dollars ($10.00) for the issuance of such plates. Whenever a qualifying former POW transfers or assigns his title or interest to a vehicle especially registered under this section the registration shall expire, but the former POW may hold his special plates which he may have reissued to him upon the payment of the required transfer fees. He may only display those plates after receipt of new registration

from the department.

(3) POW plates shall bear the letters "POW" followed by three (3) numerals, and shall in all other respects be as provided in subsection b. of section 49-113, Idaho Code.

(4) Recognized war periods for the purpose of this section shall be:

World War I ..... April 6, 1917 to November 11, 1918
World War II ..... December 7, 1941 to December 31, 1946
Korean War ..... June 27, 1950 to July 27, 1954
Vietnam War ..... August 5, 1964 to August 14, 1974

(5) For the purpose of this section the term "armed forces" includes the Army, Navy, Marine Corps, Coast Guard, and the Air Force of the United States.

Approved March 22, 1986.

CHAPTER 107
(H.B. No. 544)

AN ACT

RELATING TO INTERSTATE MUTUAL AID COMPACTS; AMENDING SECTION 46-1010, IDAHO CODE, TO PROVIDE A REVIEW OF INTERSTATE EMERGENCY/DISASTER AGREEMENTS AT INTERVALS NOT TO EXCEED FOUR YEARS, TO ENTER INTO EMERGENCY/DISASTER INTERGOVERNMENTAL AGREEMENTS WITH NEIGHBORING PROVINCES OF CANADA AND TO PROVIDE AUTHORITY TO FURNISH AND RECEIVE DISASTER RELIEF AND EMERGENCY AID TO AND FROM OTHER STATES WHICH HAVE ENACTED THE INTERSTATE MUTUAL AID COMPACT; AND AMENDING CHAPTER 10, TITLE 46, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 46-1018, IDAHO CODE, ENACTING AND ENTERING INTO THE INTERSTATE MUTUAL AID COMPACT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 46-1010, Idaho Code, be, and the same is hereby amended to read as follows:

46-1010. INTERGOVERNMENTAL ARRANGEMENTS. (1) The governor may enter into interstate emergency or disaster service compacts with any state if he finds that joint action with the state is desirable in meeting common intergovernmental problems of emergency or disaster planning, prevention, response, and recovery.

(2) Nothing in subsection (1) hereof shall be construed to limit previous or future entry into the interstate civil defense and disaster compact of this state with other states.

(3) If any person holds a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster proclaimed by the governor, and this

state shall give due recognition to the license, certificate, or other permit.

(4) All interstate mutual aid compacts and other interstate agreements dealing with disaster and emergency services shall be reviewed and updated at intervals not to exceed four (4) years.

(5) When considered of mutual benefit, the governor may, subject to limitations of law, enter into intergovernmental arrangements with neighboring provinces of Canada for the purpose of exchanging disaster and emergency services.

(6) Pursuant to an interstate agreement, personnel working for the state, its political subdivisions, municipal or public corporations, and other public agencies, may work outside the state to aid in disaster and emergency relief work; or equipment belonging to the state, its political subdivisions, municipal or public corporations, and other public agencies may be used outside the state to aid in disaster and emergency relief work. When state or local highway equipment or personnel are used in disaster relief work outside the state, arrangements shall be made, as necessary, to reimburse the state, its political subdivisions, municipal or public corporations, and other public agencies, for such work or equipment to comply with section 17, article 7 of the Idaho constitution, which provides that gasoline taxes and motor vehicle funds shall be used exclusively for the public highways of the state.

SECTION 2. That Chapter 10, Title 46, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 46-1018, Idaho Code, and to read as follows:

46-1018. INTERSTATE MUTUAL AID COMPACT. The state of Idaho hereby enacts into law and enters into the interstate mutual aid compact with those states who agree and enact the interstate mutual aid compact in accordance with the terms of the compact, which compact is substantially as follows:

INTERSTATE MUTUAL AID COMPACT

Article I

The purpose of this compact is to provide voluntary assistance among participating states in responding to any disaster or imminent disaster that overextends the ability of local and state governments to reduce, counteract, or remove the danger. Assistance may include but is not limited to rescue, fire, police, medical, communication, and transportation services and facilities to cope with problems which require use of special equipment, trained personnel, or personnel in large numbers not locally available.

Article II

Article I, Section 10, of the Constitution of the United States permits a state to enter into an agreement or compact with another state, subject to the consent of Congress. Congress, through enactment of 50 U.S.C. 2281(g) and 2283 and the executive branch, by issuance of Executive Order No. 10186 of December 1, 1950, encourages the states to enter into emergency, disaster, and civil defense mutual aid agreements or pacts.

Article III

It is agreed by participating states that the following conditions will guide implementation of the compact:

(1) Participating states through their designated officials are authorized to request and receive assistance from a participating state. Requests will be granted only if the requesting state is committed to the mitigation of the emergency and other resources are not immediately available.

(2) Requests for assistance may be verbal or in writing. If the request is made by other than written communication, it must be confirmed in writing as soon as practical after the request. A written request shall provide an itemization of equipment and operators, types of expertise, and personnel or other resources needed. Each request must be signed by an authorized official.

(3) Personnel and equipment of the aiding state made available to the requesting state shall, whenever possible, remain under the control and direction of the aiding state. The activities of personnel and equipment of the aiding state must be coordinated by the requesting state.

(4) An aiding state has the right to withdraw some or all of its personnel and equipment whenever the personnel and equipment are needed by that state. Notice of intention to withdraw should be communicated to the requesting state as soon as possible.

Article IV

(1) The requesting state shall reimburse the aiding state as soon as possible after the receipt by the requesting state of an itemized voucher requesting reimbursement of costs.

(2) Any state rendering aid pursuant to this compact must be reimbursed by the state receiving such aid for any damage to, loss of, or expense incurred in the operation of any equipment used in responding to a request for aid, and for the cost incurred in connection with such requests.

(3) Any state rendering aid pursuant to this compact must be reimbursed by the state receiving such aid for the cost of compensation and death benefits to injured officers, agents, or employees and their dependents or representatives if such officers, agents, or employees sustain injuries or are killed while rendering aid pursuant to this arrangement and such payments are made in the same manner and on the same terms as if the injury or death were sustained within the aiding state.

Article V

(1) All privileges and immunities from liability, exemptions from law, ordinances, and rules and all pension, disability relief, workers' compensation, and other benefits that apply to the activity of officers, agents, or employees when performing their respective functions within the territorial limits of their respective political subdivisions apply to them to the same extent while engaged in the performance of any of their functions and duties extraterritorially under the provisions of this compact.

(2) All privileges and immunities from liability, exemptions from law, ordinances, and rules and workers' compensation and other benefits that apply to duly enrolled or registered volunteers when per-

forming their respective functions at the request of their state and within its territorial limits apply to the same extent while performing their functions extraterritorially under the provisions of this compact. Volunteers may include but are not limited to physicians, surgeons, nurses, dentists, structural engineers, and trained search and rescue volunteers.

(3) The signatory states, their political subdivisions, municipal or public corporations, and other public agencies shall hold harmless the corresponding entities and personnel thereof from the other states with respect to the acts and omissions of its own agents and employees that occur while providing assistance pursuant to the common plan.

(4) Nothing of this arrangement may be construed as repealing or impairing any existing interstate mutual aid agreements.

(5) Upon enactment of this compact by two (2) or more states, and annually by each January 1 thereafter, the participating states will exchange with each other the names of officials designated to request and provide services under this arrangement. In accordance with the cooperative nature of this arrangement, it is permissible and desirable for the states to exchange operational procedures to be followed in requesting assistance and reimbursing expenses.

(6) This compact becomes effective and is binding upon the states so acting when it has been enacted into law by any two (2) states. Thereafter, this compact becomes effective and binding as to any other state upon similar action by such state.

(7) This compact remains binding upon a party state until it enacts a law repealing the compact and providing for the sending of formal written notice of withdrawal from the compact to the appropriate officials of all other party states. An actual withdrawal may not take effect until the 30th consecutive day after the notice has been sent. Such withdrawal does not relieve the withdrawing state from its obligations assumed under this compact prior to the effective date of withdrawal.

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

Approved March 22, 1986.

CHAPTER 108
(H.B. No. 550)

AN ACT

RELATING TO PARTNERSHIPS; AMENDING SECTION 53-254, IDAHO CODE, TO REMOVE A REQUIREMENT THAT FOREIGN LIMITED PARTNERSHIPS FILE AMENDED CERTIFICATES OF LIMITED PARTNERSHIP; AND AMENDING SECTION 53-262, IDAHO CODE, TO REMOVE THE FEE CHARGED FOR FILING AN AMENDED CERTIFIED FOREIGN LIMITED PARTNERSHIP CERTIFICATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 53-254, Idaho Code, be, and the same is hereby amended to read as follows:

53-254. CHANGES AND AMENDMENTS IN FOREIGN LIMITED PARTNERSHIPS. If any material statement in the application for registration of a foreign limited partnership was false when made or any arrangements or other facts described have changed, making the application inaccurate in any material respect, the foreign limited partnership shall promptly file in the office of the secretary of state a certificate, signed and verified by a general partner, correcting such statement. ~~If the certificate of limited partnership is amended, the foreign limited partnership shall within thirty (30) days file a copy of the amendment certified by the official with which the original is filed in the state in which the limited partnership is organized.~~

SECTION 2. That Section 53-262, Idaho Code, be, and the same is hereby amended to read as follows:

53-262. FILING FEES. The secretary of state shall charge and collect for:

(a) Filing a certificate of limited partnership, sixty dollars ($60.00);

(b) Filing a certificate of amendment, twenty dollars ($20.00);

(c) Filing a certificate of cancellation, twenty dollars ($20.00);

(d) Filing a judicial decree of amendment or cancellation, twenty dollars ($20.00);

(e) Filing an application for registration as a foreign limited partnership, sixty dollars ($60.00);

(f) Filing a certificate of change or correction of an application for registration ~~or filing a certified copy of an amendment to the certificate of limited partnership~~ of a foreign limited partnership, twenty dollars ($20.00);

(g) Filing a statement of change of registered agent of a foreign limited partnership or its address, ten dollars ($10.00);

(h) Filing an application for withdrawal of a foreign limited partnership from the state, ten dollars ($10.00);

(i) Filing an application for a name reservation, or transfer thereof, ten dollars ($10.00);

(j) Filing any other statement, ten dollars ($10.00);

(k) Filing any document relating to a limited partnership, when the filing party requires the evidence thereof to be returned within eight (8) working hours, a surcharge of ten dollars ($10.00).

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

Approved March 22, 1986.

CHAPTER 109
(H.B. No. 597)

AN ACT

RELATING TO OPTOMETRISTS; AMENDING SECTION 54-1506, IDAHO CODE, TO PROVIDE RENEWAL FEES BE ESTABLISHED BY BOARD RULE NOT TO EXCEED SEVENTY-FIVE DOLLARS; AMENDING SECTION 54-1507, IDAHO CODE, TO PROVIDE THE SUM TO BE PAID TO THE TREASURER BE ESTABLISHED BY BOARD RULE NOT TO EXCEED SEVENTY-FIVE DOLLARS; AMENDING SECTION 54-1508, IDAHO CODE, TO STRIKE THE REQUIREMENT THAT EXAMINERS BE APPOINTED FROM WITHIN THE BOARD TO INCREASE BOARD MEMBERS' COMPENSATION; AND AMENDING SECTION 54-1509, IDAHO CODE, TO STRIKE THE REFERENCE TO EXAMINERS AND TO STRIKE SUPERFLUOUS LANGUAGE GOVERNING ADVERTISING.

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

SECTION 1. That Section 54-1506, Idaho Code, be, and the same is hereby amended to read as follows:

54-1506. STATE BOARD OF OPTOMETRY FUND -- CREATION. (1) All fees of any kind collected under the provisions of this act and all fees collected from optometrists in or out of the state of Idaho by law, except those fees required by subsection (2) of this section and section 54-1523, Idaho Code, shall be deposited in the state treasury to the credit of a separate fund to be known as the state board of optometry fund and all such moneys deposited into such fund are hereby appropriated to carrying out the purpose and objects of this act and to pay ~~all~~ salaries, fees, costs and expenses incurred in connection with the purpose and objects of this act. The funds collected shall be immediately available in the fiscal year 1972-1973 of the 1971-1973 biennium, the provisions of the budget law notwithstanding. The funds collected shall remain perpetually in the state board of optometry fund from one biennium to the next. The moneys and funds in the state board of optometry fund shall be paid out upon warrants drawn by the state auditor upon presentation of proper vouchers approved by the state board of optometry or its executive secretary acting within his delegated authority. Moneys paid from this fund are expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code (Standard Travel Pay and Allowance Act of 1949).

(2) The annual fee for renewal of a license shall be ~~twenty~~ established by board rule, not to exceed seventy-five dollars ($~~20~~75.00), which shall be paid to the bureau of occupational licenses, and to pay salaries, fees, costs and expenses incurred in connection with the purposes and objects of this act.

SECTION 2. That Section 54-1507, Idaho Code, be, and the same is hereby amended to read as follows:

54-1507. ADDITIONAL LICENSE FEES. In addition to the fees

required by section 54-1506(2), Idaho Code, each person licensed to practice optometry in the state of Idaho and each person who has been licensed to practice optometry in the state of Idaho within a period of five (5) years prior to July 1 of each year following ~~the effective date [June 30, 1972] of this act~~ June 30, 1972, shall pay to the treasurer of the state of Idaho ~~the~~ a sum ~~of thirty~~ not to exceed seventy-five dollars ($~~30~~75.00), as established by board rule, on July 1 of each year. Failure to pay the fees required by this act shall result in cancellation of the person's license by the board. Upon application for reinstatement, all fees due and not paid after the effective date of this act must be paid by the person making such application for reinstatement.

SECTION 3. That Section 54-1508, Idaho Code, be, and the same is hereby amended to read as follows:

54-1508. STATE BOARD OF OPTOMETRY -- ORGANIZATION -- MEETINGS -- EXPENSES. The board of optometry shall meet on or before September 15 of each year and select from its members a chairman and a secretary who shall serve at the pleasure of the board. The secretary shall keep the minutes of the meetings of the board, maintain the files and records of the board, maintain a roster of all persons licensed as optometrists under this act and on or before October 1 of each year, forward to the bureau of occupational licenses a certified list of those persons who have paid the fees required by this act.

The board of optometry may meet at stated times and places and shall meet upon the call of its chairman or upon written request of a majority of its members. Three (3) members shall constitute a quorum and a majority of the members present at a meeting at which a quorum is present shall determine the action of the board. Each member of the board shall be notified of any meeting called for any purpose.

~~On or before September 15 of each year, the board of optometry shall appoint three (3) of its members to serve as a board of examiners to examine applicants for licenses to practice optometry in the state of Idaho pursuant to this chapter. The secretary of the board shall notify the chief of the bureau of occupational licenses of the names of the members of the board of examiners appointed by the board of optometry.~~

Out of the moneys appropriated to the bureau from fees paid under section 54-1506(2), Idaho Code, or otherwise appropriated from fees paid under section 54-1506(2), Idaho Code, and deposited in the occupational license account established by section 67-2605, Idaho Code, the members of the board of optometry shall be compensated as provided by section 59-509(bh), Idaho Code~~, and the members of the three (3) member board of examiners appointed by the board of optometry shall be compensated as provided by section 59-509(g), Idaho Code~~.

Out of moneys appropriated from fees paid under section 54-1507, Idaho Code, the members of the board of optometry shall be compensated as provided by section 59-509(bh), Idaho Code, not otherwise paid from moneys appropriated by the legislature.

SECTION 4. That Section 54-1509, Idaho Code, be, and the same is

hereby amended to read as follows:

54-1509. STATE BOARD OF OPTOMETRY -- POWERS AND DUTIES. In order to protect the public in the practice of optometry, better enable members of the public to fix professional responsibility and further safeguard the doctor-patient relationship, the state board of optometry shall have the following powers and duties:

1. To make and prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice optometry.

2. To make and prescribe rules and regulations defining for the optometrists what shall constitute a school, college or university or department of a university or other institution reputable and in good standing and to determine the reputability and good standing of a school, college or university or department of a university or other institution by reference to a compliance with such rules and regulations.

3. To make and prescribe rules to establish a standard of preliminary education deemed requisite to admission to a school, college or university and to require satisfactory proof of the enforcement of such standards by schools, colleges and universities.

4. To make and prescribe rules governing the relicensing of persons applying for a license to practice optometry in the state of Idaho after a failure to maintain a license for a period in excess of five (5) years.

5. To pass upon the qualifications and fitness of applicants for reciprocal licenses to practice optometry in Idaho and to make and prescribe rules governing the granting of reciprocal licenses to practice optometry in Idaho to persons licensed in other states.

6. ~~Acting through the board of examiners appointed by the board of optometry, t~~To conduct examinations to ascertain the qualifications and fitness of applicants to practice optometry.

7. To make and prescribe rules governing the minimum amount and kind of continuing education in optometry to be required annually of each optometrist seeking relicense to practice optometry in the state of Idaho.

8. To make, prescribe and promulgate rules and regulations prescribing a code of ethics and standards of professional conduct in practice for the purpose of regulating and governing the practice of optometry by licensed optometrists within the state of Idaho and to change and modify its rules and regulations or prescribe new rules and regulations in order to improve the practice of optometry for the benefit of the people of the state of Idaho.

9. To make, prescribe and promulgate rules governing the listing and identification of charges for materials and for professional services provided to members of the public by persons licensed to practice optometry in Idaho.

10. To make, prescribe and promulgate rules and regulations regarding the establishment of "branch offices" in the state of Idaho by persons licensed to practice optometry.

11. To make, prescribe and promulgate rules and regulations regarding advertising by optometrists licensed to practice in Idaho

~~which--shall--include--the-regulation-of-the-size,-number,-content-and location-of-office-signs,--the--regulation--of--the--manner--in--which optometrists--shall--be-listed-in-public-directories-and-the-manner-in which-any-person-announces-the-opening-or-closing-of-an--optometrist's office-in-Idaho.~~

12. To make, prescribe and promulgate rules defining "gross incompetence" as grounds for suspension or revocation of an optometrist's license as provided in section 54-1510, Idaho Code.

13. To make, prescribe and promulgate rules and regulations governing the verification by an optometrist of the accuracy in compounding and the quality of the workmanship and materials used by any person, firm or corporation in the course of filling or compounding the optometrist's prescriptions for vision aids of any type prior to delivery by the optometrist.

14. To make, prescribe and promulgate rules governing the issuance and release of prescriptions or copies of prescriptions by optometrists out of the office of the optometrist.

15. To make, prescribe and promulgate rules governing the type and kind of records to be kept by each optometrist pertaining to all patients examined or for whom he has adapted optical accessories.

16. To make, prescribe and promulgate such other rules and regulations required by this act or necessary or desirable for its enforcement and administration.

17. The state board of optometry shall have the power to administer oaths, take depositions of witnesses in and out of the state of Idaho in the manner of civil cases, require the attendance of such witnesses and the production of such books, records and papers as it may desire at any hearing before it or deposition authorized by it, pertaining in any manner to any matters of which it has authority to investigate and for that purpose the board may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records or papers directed to the sheriff of any county of the state of Idaho, where such witness resides, or may be found, which shall be served and returned in the same manner as a subpoena in a civil case is returned. The fees and mileage of the witnesses shall be the same as that allowed in the district courts in civil cases. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may lawfully be interrogated, it shall be the duty of the district court, or any judge thereof, of any county in this state in which such disobedience, neglect or refusal occurs, upon application of the board, to compel obedience in proceedings for contempt as in the case of disobedience of the requirements of any subpoena issued from such court or for refusal to testify therein. The licensed person accused in such proceeding shall have the same right of subpoena upon making application to the board as set out in this act.

No subpoena authorized by this act shall be served until after the preparation of a complaint and citation as provided in section 54-1511, Idaho Code. Prior to the service of any subpoena authorized by this act, the state board of optometry or the accused optometrist must secure an order authorizing the service of the subpoena from a

district judge of the judicial district in which the accused optometrist resides or has engaged in the practice of optometry within the preceding five (5) years. Application to a district judge for authorization to serve a subpoena shall be on ex parte motion supported by an affidavit of a member of the state board of optometry, the accused optometrist or his attorney, or the attorney general of the state of Idaho, or one (1) of his designated assistants, setting forth the reasons why the person applying for permission to serve the subpoena believes the testimony or evidence to be obtained will be pertinent to the investigation, inquiry or hearing. The order shall be filed with the state board of optometry.

18. The state board of optometry shall have the power to hire attorneys, investigators and employees for carrying out the purpose of this act or to promote the interests of the profession of optometry in Idaho from funds available in the fund established by this act or from any other available funds.

19. To authorize, by written agreement, the ~~board~~ bureau of occupational licenses as agent to act in its interest.

Approved March 22, 1986.

CHAPTER 110
(H.B. No. 643)

AN ACT

RELATING TO SEED DEALERS LICENSING; AMENDING SECTION 22-434, IDAHO CODE, TO EXEMPT IN-STATE SEED DEALERS FROM LICENSURE IF THEY SELL SEED IN PACKAGES OF LESS THAN EIGHT OUNCES.

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

SECTION 1. That Section 22-434, Idaho Code, be, and the same is hereby amended to read as follows:

22-434. SEED DEALERS LICENSE. An in-state seed dealer or an out-of-state seed dealer who sells, distributes, processes or mixes for the use of others any agricultural, vegetable, ornamental or tree and shrub seed, shall obtain a license from the department authorizing him to sell, distribute, process or mix such seed. A dealer shall not be entitled to a license unless he has an established plant, warehouse or place of business.

A separate license shall be required for each place of business within the state of Idaho from which seed regulated under this chapter is sold. Application for licenses shall be on a form provided by the director and shall be accompanied by a fee of no less than forty dollars ($40.00) for in-state dealers and no less than eighty dollars ($80.00) for out-of-state dealers, provided that the application of any person licensed pursuant to the provisions of chapter 23, title 22, Idaho Code, or any person selling or offering for sale, barter,

exchange or trade, vegetable or ornamental plant seed in packages of ~~less--than~~ eight (8) ounces or more, shall be accompanied by an application fee of no less than fifteen dollars ($15.00); provided further, that the license fees established in this chapter are minimums and that any future increases shall be as promulgated by the director pursuant to chapter 52, title 67, Idaho Code. Applications shall be renewed no later than July 1 of each year.

Fees so collected shall be paid into the state treasury and credited to the state agricultural inspection account.

Producers selling their own crop shall be exempt from this section.

The department may suspend, revoke, or refuse to issue or renew the license of any person when it is satisfied that:

(1) The applicant or licensee has been guilty of fraud, deception, or misrepresentation in the procurement of a license; and/or

(2) The licensee was guilty of violating any of the provisions of this chapter.

Approved March 22, 1986.

CHAPTER 111
(H.B. No. 652)

AN ACT

RELATING TO SEMEN DONATIONS; AMENDING CHAPTER 54, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5408, IDAHO CODE, TO REQUIRE USE OF ALL REASONABLE MEANS TO DETECT IF THE DONOR OF SEMEN HAS AN ANTIBODY TO HTLV-III IN HIS BLOOD, TO PROHIBIT USE OF THE SEMEN, AND TO DEFINE HTLV-III.

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

SECTION 1. That Chapter 54, 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 39-5408, Idaho Code, and to read as follows:

39-5408. HTLV-III ANTIBODY. Every hospital, bank or other storage facility where a person has donated semen shall use all reasonable means to detect if the donor has an antibody to HTLV-III in his blood. In the event that an antibody to HTLV-III is detected, such semen shall not be used for any purposes of artificial insemination.

As used in this section, "HTLV-III" means the human T-cell lymphotropic virus type III that causes acquired immunodeficiency syndrome.

Approved March 22, 1986.

CHAPTER 112
(S.B. No. 1273)

AN ACT

RELATING TO WORKMEN'S COMPENSATION LAWS; AMENDING SECTION 72-921, IDAHO CODE, TO STRIKE THE ONE AND ONE-HALF PERCENT LIMITATION FOR THE PURCHASE OF REINSURANCE.

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

SECTION 1. That Section 72-921, Idaho Code, be, and the same is hereby amended to read as follows:

72-921. REINSURANCE. The manager may reinsure any risk, or any part thereof, and may enter into agreements of reinsurance in the same way and to the same extent as other insurance carriers, the cost of which shall be paid out of current premium income. ~~The manager shall in no case expend more for reinsurance than one and one-half per cent (1-1/2%) of the amount of the previous years total premium income.~~

Approved March 24, 1986.

CHAPTER 113
(S.B. No. 1282)

AN ACT

RELATING TO DISPOSAL OF SURPLUS REAL PROPERTY BY THE STATE BOARD OF LAND COMMISSIONERS; AMENDING SECTION 58-332, IDAHO CODE, TO PROVIDE FOR NOTICE OF THE PROPERTY SALE TO BE ADVERTISED IN A NEWSPAPER PUBLISHED IN THE COUNTY WHERE THE PROPERTY IS LOCATED FOR FOUR CONSECUTIVE WEEKS AND TO STRIKE THE REQUIREMENT THAT NOTICE MUST ALSO BE PROVIDED IN A NEWSPAPER PUBLISHED IN BOISE.

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

SECTION 1. That Section 58-332, Idaho Code, be, and the same is hereby amended to read as follows:

58-332. DISPOSAL OF SURPLUS REAL PROPERTY. Upon transfer to it of such surplus real property the state board of land commissioners shall ascertain if such property is suitable for other state use, and if it determines that suitable use can be had, then control and custody thereof shall be relinquished by said board to the agency by whom it shall determine the best use can be made. If no such use be determined, then the state board of land commissioners shall either by public sale, after notice by publication for ~~six (6)~~ <u>four (4)</u> consecutive weeks in a newspaper published in the county in which the property is situate, ~~and in a newspaper published at Boise,~~ sell the same to the highest and best bidder upon terms and conditions to be deter-

mined by the board and specified in the notice of sale; or if the property is suitable for use by any tax-supported agency or unit of the state of Idaho or the United States other than the state of Idaho or its agencies, may, by negotiated sale or exchange, transfer or exchange such property with such tax-supported agency or unit; provided, however, that such negotiated sales, transfers, or exchanges shall be for adequate and valuable consideration.

In the event of any contemplated sale, transfer or exchange the state board of land commissioners shall cause to be published a notice of such contemplated sale, transfer or exchange, setting out in full the description of the property concerned, both as to what is being offered and what is to be received, and the proposed use of the property by the tax-supported unit which proposes to acquire such property. Such notice shall be published in a newspaper published in the county in which the property is situate ~~and in a newspaper published at Boise,~~ for ~~six (6)~~ four (4) consecutive weeks prior to a certain fixed date therein, designating a time and place for public hearing in the matter. The state board of land commissioners shall determine within ten (10) days subsequent to such hearing as to acceptance or rejection of such proposed sale, transfer or exchange, and if accepted, the tax-supported unit shall thereafter have sixty (60) days in which to accept or reject the proffer, following such decision. If such negotiations fail, then the property may be subject to public sale as hereinabove set forth.

Approved March 24, 1986.

CHAPTER 114
(S.B. No. 1283, As Amended)

AN ACT

RELATING TO THE APPRAISEMENT OF STATE LANDS; AMENDING SECTION 58-301, IDAHO CODE, TO ELIMINATE THE APPRAISEMENT FEE OF TWENTY CENTS PER ACRE FOR TIMBER, TO PROVIDE THAT THE APPRAISEMENT FEE FOR STATE LANDS MAY BE THE ACTUAL COST OF THE APPRAISAL AND TO ELIMINATE THE APPRAISEMENT FEE OF FIVE CENTS PER ACRE FOR LAND AND TO DELETE REFERENCES TO TIMBER.

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

SECTION 1. That Section 58-301, Idaho Code, be, and the same is hereby amended to read as follows:

58-301. APPRAISEMENT -- FEE -- REAPPRAISEMENT -- APPROPRIATION FOR APPRAISEMENT. The board may cause all lands belonging to the state ~~and the timber thereon, either separately or together,~~ to be appraised, at such times, in such manner and by such means as the board shall decide, and may require ~~an appraisement fee of five cents per acre for land and twenty cents per acre for timber~~ the actual cost of an appraisal to be collected from the purchaser at the time of the

sale, in addition to the sum bid for the land ~~or timber~~. All appraisements are under the control of the board, which may approve or disapprove of the same, in whole or in part, and may, at any time, direct a reappraisement or new appraisement to be made: provided further, that the board may require the person or persons seeking such land ~~or timber~~ to be appraised to pay such fee in advance; and when the land ~~or timber~~ shall be thereafter sold, if the purchaser be other than the party seeking such appraisement the sum or sums or the due proportion thereof so advanced by the party seeking such appraisement shall be returned to the party paying the same. If said moneys shall have been paid into the state treasury the state board of examiners shall audit said claim, and the auditor shall draw his warrant for the amount on the fund in which said moneys shall be, and said sums are hereby declared appropriated therefor.

Approved March 24, 1986.

CHAPTER 115
(S.B. No. 1330)

AN ACT

RELATING TO CONFINEMENT COSTS IN COUNTY JAILS; AMENDING SECTION 20-605, IDAHO CODE, TO PROVIDE FOR THE USE OF OTHER FUNDING PROGRAMS FOR MEDICALLY INDIGENT INMATES IN A COUNTY JAIL.

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 twenty dollars ($20.00) per day, plus the actual cost of any medical or dental services; provided, however, that the county may determine whether the detained or confined person is eligible for any local, state, federal or private program that covers dental, medical and/or burial expenses. That person will be required to apply for those benefits, and any such benefits obtained may be applied to the detained or confined person's incurred expenses, 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 24, 1986.

CHAPTER 116
(S.B. No. 1349)

AN ACT

RELATING TO PUBLIC DEPOSITORIES; REPEALING SECTION 57-133A, IDAHO CODE.

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

SECTION 1. That Section 57-133A, Idaho Code, be, and the same is hereby repealed.

Approved March 24, 1986.

CHAPTER 117
(S.B. No. 1358, As Amended)

AN ACT

RELATING TO TRUST WATERS ON THE SNAKE RIVER ESTABLISHED PURSUANT TO AGREEMENT; AMENDING SECTION 42-203B, IDAHO CODE, TO PROVIDE THAT A USER OF WATER FOR POWER PURPOSES SUBORDINATED BY A PERMIT ISSUED AFTER JULY 1, 1985, OR BY AN AGREEMENT, MAY CONTINUE USING THE WATER PENDING APPROVAL OF DEPLETIONARY FUTURE BENEFICIAL USES, TO CLARIFY APPLICATION TO CERTAIN WATERS OF THE SNAKE RIVER OR A SURFACE OR GROUND WATER TRIBUTARY TO THE SNAKE RIVER UPSTREAM FROM MILNER DAM, TO PROVIDE APPLICATION TO CERTAIN WATERS OF THE SNAKE RIVER OR A SURFACE OR GROUND WATER TRIBUTARY TO THE SNAKE RIVER DOWNSTREAM FROM MILNER DAM REGARDING THE DETERMINATION AND ADMINISTRATION OF RIGHTS TO THE USE OF CERTAIN WATERS OF THE SNAKE RIVER, AND TO PROVIDE REFERENCES TO IDAHO CODE CITATIONS; AMENDING SECTION 42-203C, IDAHO CODE, TO PROVIDE IF AN APPLICANT INTENDS TO APPROPRIATE WATER WHICH IS HELD IN TRUST BY THE STATE OF IDAHO PURSUANT TO CERTAIN LAW, THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL CONSIDER WHETHER THE PROPOSED USE INDIVIDUALLY OR CUMULATIVELY WITH OTHER EXISTING USES OR USES REASONABLY LIKELY TO EXIST WITHIN TWELVE MONTHS OF THE PROPOSED USE WOULD SIGNIFICANTLY REDUCE THE AMOUNT OF TRUST WATER AVAILABLE TO THE HOLDER OF THE

WATER RIGHT USED FOR POWER PRODUCTION, WHICH IS DEFINED BY AN AGREEMENT PURSUANT TO IDAHO LAW; AND AMENDING SECTION 42-203D, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL REVIEW ALL PERMITS ISSUED PRIOR TO JULY 1, 1985, WHICH PROPOSE TO DIVERT WATER HELD IN TRUST BY THE STATE OF IDAHO PURSUANT TO CERTAIN STATE LAW, TO DETERMINE WHETHER THEY COMPLY WITH CERTAIN STATE LAW, TO PROVIDE IF THE DEPARTMENT FINDS THAT PROPOSED USE IS ALLOWED UNDER CERTAIN STATE LAW, THEN THE DEPARTMENT SHALL ENTER AN ORDER CONTINUING THE PERMIT, TO CLARIFY LANGUAGE AND TO PROVIDE CORRECT CITATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-203B, Idaho Code, be, and the same is hereby amended to read as follows:

42-203B. AUTHORITY TO SUBORDINATE RIGHTS -- NATURE OF SUBORDINATED WATER RIGHT AND AUTHORITY TO ESTABLISH A SUBORDINATION CONDITION -- AUTHORITY TO LIMIT TERM OF PERMIT OR LICENSE. (1) The legislature finds and declares that it is in the public interest to specifically implement the state's power to regulate and limit the use of water for power purposes and to define the relationship between the state and the holder of a water right for power purposes to the extent such right exceeds an established minimum flow. The purposes of the trust established by subsections (2) and (3) of this section are to assure an adequate supply of water for all future beneficial uses and to clarify and protect the right of a user of water for power purposes subordinated by a permit issued after July 1, 1985, or by an agreement, to continue using the water pending approval of depletionary future beneficial uses.

(2) A water right for power purposes which is defined by agreement with the state as unsubordinated to the extent of a minimum flow established by state action shall remain unsubordinated as defined by the agreement. Any portion of the water rights for power purposes in excess of the level so established shall be held in trust by the state of Idaho, by and through the governor, for the use and benefit of the user of the water for power purposes, and of the people of the state of Idaho; provided, however, that application of the provisions of this section to water rights for hydropower purposes on the Snake river or its tributaries downstream from Milner dam shall not place in trust any water from the Snake river or surface or ground water tributary to the Snake river upstream from Milner dam. For the purposes of the determination and administration of rights to the use of the waters of the Snake river or its tributaries downstream from Milner dam, no portion of the waters of the Snake river or surface or ground water tributary to the Snake river upstream from Milner dam shall be considered. The rights held in trust shall be subject to subordination to and depletion by future upstream beneficial users whose rights are acquired pursuant to state law, including compliance with the requirements of section 42-203C, Idaho Code.

(3) Water rights for power purposes not defined by agreement with

the state shall not be subject to depletion below any applicable minimum stream flow established by state action. Water rights for power purposes in excess of such minimum stream flow shall be held in trust by the state of Idaho, by and through the governor, for the use and benefit of the users of water for power purposes and of the people of the state of Idaho. The rights held in trust shall be subject to subordination to and depletion by future consumptive upstream beneficial users whose rights are acquired pursuant to state law, excluding compliance with the requirements of section 42-203C, Idaho Code.

(4) The user of water for power purposes as beneficiary of the trust established in subsections (2) and (3) of this section shall be entitled to use water available at its facilities to the extent of the water right, and to protect its rights to the use of the water as provided by state law against depletions or claims not in accordance with state law.

(5) The governor or his designee is hereby authorized and empowered to enter into agreements with holders of water rights for power purposes to define that portion of their water rights at or below the level of the applicable minimum stream flow as being unsubordinated to upstream beneficial uses and depletions, and to define such rights in excess thereof as being held in trust by the state under subsection (2) of this section. Such agreements shall be subject to ratification by law. The contract entered into by the governor and the Idaho Power Company on October 25, 1984, is hereby found and declared to be such an agreement, and the legislature hereby ratifies the governor's authority and power to enter into this agreement.

(6) The director shall have the authority to subordinate the rights granted in a permit or license for power purposes to subsequent upstream beneficial depletionary uses. A subordinated water right for power use does not give rise to any claim against, or right to interfere with, the holder of subsequent upstream rights established pursuant to state law. The director shall also have the authority to limit a permit or license for power purposes to a specific term.

Subsection (6) of this section shall not apply to licenses which have already been issued as of the effective date of this act.

(7) The director in the exercise of the authority to limit a permit or license for power purposes to a specific term of years shall designate the number of years through which the term of the license shall extend and for purposes of determining such date shall consider among other factors:

(a) The term of any power purchase contract which is, or reasonably may become, applicable to, such permit or license;

(b) The policy of the Idaho public utilities commission (IPUC) regarding the term of power purchase contracts as administered by the IPUC under and pursuant to the authority of the public utility regulatory policy act of 1978 (PURPA);

(c) The term of any federal energy regulatory commission (FERC) license granted, or which reasonably may be granted, with respect to any particular permit or license for power purpose;

(d) Existing downstream water uses established pursuant to state law.

The term of years shall be determined at the time of issuance of the

permit, or as soon thereafter as practicable if adequate information is not then available. The term of years shall commence upon application of water to beneficial use. The term of years, once established, shall not thereafter be modified except in accordance with due process of law.

SECTION 2. That Section 42-203C, Idaho Code, be, and the same is hereby amended to read as follows:

42-203C. HYDROPOWER WATER RIGHT -- CRITERIA FOR REALLOCATION -- WEIGHT -- BURDEN OF PROOF. (1) If an applicant intends to appropriate water which is ~~or may be available for appropriation by reason of a subordination condition applicable to a water right for power purposes, then~~ held in trust by the state of Idaho pursuant to subsection (5) of section 42-203B, Idaho Code, the director shall consider, prior to approving the application, the criteria established in section 42-203A, Idaho Code, and whether the proposed use ~~would significantly reduce~~, individually or cumulatively with other existing uses, or uses reasonably likely to exist within twelve (12) months of the proposed use, would significantly reduce the amount of trust water available to the holder of ~~a~~ the water right used for power production that is defined by agreement pursuant to subsection (5) of section 42-203B, Idaho Code, and, if so, whether the proposed reduction is in the public interest.

(2) (a) The director in making such public interest determinations for purposes of this section shall consider:

(i) The potential benefits, both direct and indirect, that the proposed use would provide to the state and local economy;

(ii) The economic impact the proposed use would have upon electric utility rates in the state of Idaho, and the availability, foreseeability and cost of alternative energy sources to ameliorate such impact;

(iii) The promotion of the family farming tradition;

(iv) The promotion of full economic and multiple use development of the water resources of the state of Idaho;

(v) In the Snake River Basin above the Murphy gauge whether the proposed development conforms to a staged development policy of up to twenty thousand (20,000) acres per year or eighty thousand (80,000) acres in any four (4) year period.

No single factor enumerated above shall be entitled to greater weight by the director in arriving at this determination.

(b) The burden of proof under the provisions of this section shall be on the protestant.

SECTION 3. That Section 42-203D, Idaho Code, be, and the same is hereby amended to read as follows:

42-203D. REVIEW OF PERMITS -- OPPORTUNITY FOR HEARING. (1) The director of the department of water resources shall review all permits issued prior to ~~the effective date of this section~~ July 1, 1985, which propose to divert water held in trust by the state of Idaho pursuant

to subsection (5) of section 42-203B, Idaho Code, except to the extent a permit has been put to beneficial use prior to July 1, 1985, to determine whether they comply with the provisions of ~~chapter 2, title 42~~ section 42-203C, Idaho Code. If the department finds that the proposed use is allowed under section 42-203C, Idaho Code, then the department shall enter an order continuing the permit. If the department finds that the proposed use ~~does not satisfy the criteria of chapter 2, title 42~~ is not allowed under section 42-203C, Idaho Code, then the department shall either cancel the permit or impose the conditions required to bring the permit into compliance with ~~chapter 2, title 42~~ section 42-203C, Idaho Code. ~~If the department finds that the permit satisfies the criteria established in chapter 2, title 42, Idaho Code, then the department shall enter an order continuing the permit.~~

(2) The department shall provide an opportunity for hearing in accordance with section 42-1701A, Idaho Code, and sections 67-5209 through 67-5215, Idaho Code, for each holder of a permit that is proposed either to be cancelled or made subject to new conditions.

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 24, 1986.

CHAPTER 118
(S.B. No. 1417)

AN ACT

RELATING TO PORT DISTRICT PURCHASING PROCEDURES; AMENDING SECTION 70-1612, IDAHO CODE, TO INCREASE THE MINIMUM PURCHASE REQUIRING PUBLIC BIDDING.

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

SECTION 1. That Section 70-1612, Idaho Code, be, and the same is hereby amended to read as follows:

70-1612. PURCHASING PROCEDURES -- CONTRACTS. (1) Upon all purchases and/or works involving ~~five~~ ten thousand dollars ($~~5~~10,000) or less, based upon the liability assumed by a port district thereon, all material required by a port district may be procured in the open market or by contract and all work ordered may be done by contract or day labor. All such purchases and/or works involving in excess of ~~five~~ ten thousand dollars ($~~5~~10,000), as so measured, shall be let upon contract in the manner herein provided. All such contracts shall be let at public bidding upon notice published at least once in a newspaper in the district at least ten (10) days before the letting, calling for sealed bids upon the work, plans and specifications for which

shall then be on file in the office of the commission for public inspection. The same notice may also call for bids on such work or material based upon plans and specifications submitted by the bidder.

(2) Should emergency repairs to, or replacements of any equipment or other property owned or operated by any port district, become necessary in order to keep the port from ceasing operations, the port commission may, upon passing a resolution declaring such emergency, cause such repairs or replacements to be made without the necessity of compliance with subsection (1) of this section.

Approved March 24, 1986.

CHAPTER 119
(S.B. No. 1220)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-114, IDAHO CODE, TO EXCLUDE RELIGIOUS CORPORATIONS AND SOCIETIES FROM THE PURVIEW OF TITLE 41, IDAHO CODE.

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

SECTION 1. That Section 41-114, Idaho Code, be, and the same is hereby amended to read as follows:

41-114. APPLICATION OF CODE AS TO PARTICULAR TYPES OF INSURERS. No provision of chapter 1, title 41, Idaho Code, shall apply with respect to:

(1) Domestic mutual benefit insurers (as identified in chapter 30), except as stated in chapter 30 (Mutual Benefit Associations).

(2) County mutual insurers (as identified in chapter 31), except as stated in chapter 31 (County Mutual Insurers).

(3) Fraternal benefit societies (as identified in chapter 32), except as stated in chapter 32 (Fraternal Benefit Societies).

(4) Hospital and medical professional service corporations (as identified in chapter 34), except as stated in chapter 34 (Hospital and Medical Service Professional Corporations).

(5) Hospital trusts (as identified in chapter 37), except as stated in said chapter 37 (Idaho Hospital Liability Trust Act).

(6) Religious corporations or societies which are exempt from taxation pursuant to section 501(C)(3) of the internal revenue code, as amended, and who provide only first party property or casualty coverages exclusively to their members.

Approved April 1, 1986.

CHAPTER 120
(S.B. No. 1223)

AN ACT
RELATING TO EXEMPTIONS FROM THE SALES TAX; AMENDING SECTION 63-3622, IDAHO CODE, AS AMENDED BY CHAPTERS 119, 195 AND 287, LAWS OF 1984, TO PROVIDE ADDITIONAL EXEMPTIONS FROM THE SALES TAX.

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

SECTION 1. That Section 63-3622, Idaho Code, as amended by Chapters 119, 195 and 287, Laws of 1984, be, and the same is hereby amended to read as follows:

63-3622. EXEMPTIONS. There are exempted from the taxes imposed by this act the following:

(a) The sale at retail, storage, use, or other consumption of tangible personal property which this state is prohibited from taxing under the Constitution of the United States.

(b) The sale of tangible personal property to resident contractors for subsequent incorporation into real property outside this state in the performance of a contract to improve the out-of-state realty unless this provision would result in subjection of said contractor to a use or similar excise tax in another state.

(c) Purchases which are subject to the motor fuels tax imposed by chapter 24, title 63, Idaho Code.

(d) Receipts from the sale, storage, use or other consumption in this state of tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for ultimate sale at retail within or without this state, and tangible personal property primarily and directly used or consumed in or during such manufacturing, processing, mining, farming, or fabricating operations by a business or segment of a business which is primarily devoted to such operation or operations, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change or for removing impurities or otherwise placing a product in a more marketable condition are included within this exemption, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operations such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operations such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in

research, or in transportation activities; nor shall this exemption include motor vehicles licensed or required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put; nor shall this exemption include tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from this act by subsections (h), (k), (l) and (p) of this section.

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

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

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

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

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

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

(h) The sale or purchase of gas, electricity, and water when delivered to consumers.

(i) The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

(j) The sale or purchase of tangible personal property at home yard sales; provided, however, that no more than two (2) such home yard sales per individual per calendar year shall be exempt.

(k) The sale or purchase of tangible personal property used for the performance of a written contract entered into prior to the passage and approval of this act, but such exemption shall extend only until July 1, 1967.

(l) The sale or purchase, or the storage, use or other consumption of religious literature, pamphlets, periodicals, tracts and books published and sold by a bona fide church or religious denomination, no part of the net earnings of which inures to the benefit of any private individual or shareholder.

(m) The sale of meals by public or private schools under the federal school lunch program or under programs that provide nutritional meals for the aging (Title VII of the Older Americans Act, PL93-29), and the sale of meals by a church to its members at a church function.

(n) Occasional sales of tangible personal property, including sales of animals by any 4-H Club or FFA Club held in conjunction with

a fair or the western Idaho spring lamb sale; providing, however, that this exemption shall not apply to the sale, purchase, or use of self-propelled motor vehicles unless they are transferred in a transaction falling within the scope of section 63-3612A(b), Idaho Code, a change in the form of doing business, or section 63-3612A(c), Idaho Code, the sale of a going business, or section 63-3612A(f), Idaho Code, the sale of motor vehicles between family members.

(o) The sale of articles through a coin-operated vending machine for a total consideration of eleven cents ($.11) or less and individual transactions involving a total sales price of eleven cents ($.11) or less.

(p) Sales of liquor by the state liquor dispensary to a person licensed under the provisions of chapter 9, title 23, Idaho Code.

(q) Sales of prescription drugs and the sale of oxygen, all upon the prescription of a practitioner licensed to prescribe drugs to human beings in the course of his professional practice, the sale of artificial limbs, prescription braces, wheelchairs, hearing aids, crutches and other prosthetic devices except eyeglasses and dental bridgework.

(r) Sales to the Boy Scouts of America of supplies and materials for national and international encampments within the state of Idaho and sales by the Boy Scouts of America to participants in national and international encampments within the state of Idaho if such sales are made within the confines of Farragut State Park.

(s) Sales to and purchases by hospitals, health-related entities, educational institutions, forest protective associations and canal companies which are nonprofit organizations. As used in this subsection, these words shall have the following meanings:

1. Educational institution shall mean resident nonprofit colleges, universities, primary and secondary schools the income of which is devoted solely to education and in which systematic instruction in the usual branches of learning is given. This definition does not include schools primarily teaching business, dancing, dramatics, music, cosmetology, writing, gymnastics, exercise and other special accomplishments nor parent-teacher associations, parent groups, alumni or other auxiliary organizations with purposes related to the educational function of an institution or collective group of institutions.

2. Hospital as used herein shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions or organizations.

3. Health-related entities as used herein shall mean the Idaho Cystic Fibrosis Foundation, Idaho Epilepsy League, Idaho Lung Association, March of Dimes, American Cancer Society, Mental Health Association, Idaho Association of Retarded Citizens, Idaho Heart Association, United Cerebral Palsy, Arthritis Foundation, Muscular Dystrophy Foundation, National Multiple Sclerosis Society, Rocky Mountain Kidney Association, American Diabetes Association, and Easter Seals, together with said entities' local or regional chapters or divisions.

4. Canal companies as used herein shall include nonprofit corporations which are incorporated solely for the purpose of oper-

ating and maintaining and are engaged solely in operation and maintenance of dams, reservoirs, canals, lateral and drainage ditches, pumps or pumping plants.

5. Forest protective associations as used herein shall mean associations whose purpose is the furnishing, operating and maintaining of a protective system for the detection, prevention and suppression of forest or range fires. Forest protective associations shall include only those associations with which the state of Idaho has contracted or become a member of pursuant to chapter 1, title 38, Idaho Code.

(t) The sale or purchase of tangible personal property shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state if the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(u) The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

(v) Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when (1) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state and (2) said motor vehicles and trailers will be titled and licensed immediately under the laws of another state, will not be used in this state more than twenty-five percent (25%) of the mileage in any calendar year, and will not be required to be titled under the laws of this state; the sale of motor vehicles and motor equipment not required to be licensed and used as log jammers, log loaders, farm tractors and implements of husbandry; and the sale of used mobile homes, whether or not such used mobile homes are sold for use outside this state, and whether or not such used mobile homes are sold by a dealer. Every mobile home sale after its sale as a "new mobile home," as defined in section 63-3606, Idaho Code, is a sale as a used mobile home.

(w) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production and broadcasting of radio and television programs when the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production and broadcasting, provided, that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production and broadcasting operation, such as maintenance and janitorial equipment and supplies and hand tools with a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than actual production and broadcasting operation such as office equipment and supplies,

equipment and supplies used in selling and distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put.

(x) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production of publications in a newspaper format which are distributed to the public at large and which rely on advertising revenue as their primary source of income; provided, that the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production of said publications; provided, further, that the use or consumption of such tangible personal property is necessary or essential to the performance of such publication business. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production of said publications, such as maintenance and janitorial equipment and supplies and hand tools with a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual production of the publication and shall not include property such as office equipment and supplies, equipment and supplies used in selling and distributing activities, in research or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state without regard to the use to which such motor vehicles are put.

Provided, further, that this exemption shall apply when the publication referred to herein is distributed to the public free of charge.

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

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

(z) The sale of precious metal bullion or the sale of monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but shall not include coins or money sold to be manufactured into jewelry or works of art.

(aa) The sale of tangible personal property occurring within the boundaries of an Indian reservation located in Idaho when the business or enterprise selling the tangible personal property is wholly owned and operated by a federally recognized Indian tribe.

(bb) To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by this act and the retailer shall have the burden of establishing the facts

giving rise to such exemption by clear and convincing evidence unless the purchaser delivers to the retailer an exemption certificate in such form as the tax commission may prescribe, signed by the purchaser and setting forth the reason for the claimed exemption.

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

Approved April 1, 1986

CHAPTER 121
(S.B. No. 1236, As Amended in the House)

AN ACT

RELATING TO THE CHILD PROTECTIVE ACT; AMENDING SECTION 16-1605, IDAHO CODE, TO REQUIRE THAT A PETITION INVOKING JURISDICTION OF THE COURT MUST STATE THAT REASONABLE EFFORTS WERE MADE PRIOR TO THE PLACEMENT OF A CHILD IN CARE TO PREVENT THE REMOVAL OF THE CHILD FROM HIS HOME, OR THAT IF SUCH EFFORTS WERE NOT PROVIDED, THAT PLACEMENT WAS DUE TO IMMEDIATE DANGER TO THE CHILD; AMENDING SECTION 16-1610, IDAHO CODE, TO PROVIDE THAT THE COURT SHALL MAKE WRITTEN FINDINGS AS TO WHETHER THE DEPARTMENT OF HEALTH AND WELFARE MADE REASONABLE EFFORTS, WHEN APPROPRIATE, TO PREVENT PLACEMENT OF A CHILD IN FOSTER CARE, INCLUDING FINDINGS, WHEN APPROPRIATE, THAT REASONABLE EFFORTS WERE MADE BUT WERE NOT SUCCESSFUL IN ELIMINATING THE NEED FOR FOSTER CARE PLACEMENT OF THE CHILD OR REASONABLE EFFORTS WERE NOT MADE BECAUSE OF IMMEDIATE DANGER TO THE CHILD, AND TO REQUIRE THE DEPARTMENT TO PREPARE A WRITTEN CASE PLAN WITHIN THIRTY DAYS TO MAKE IT POSSIBLE FOR THE CHILD TO RETURN HOME; AND AMENDING SECTION 16-1614, IDAHO CODE, TO INCLUDE IN SHELTER CARE HEARING REQUIREMENTS A STATEMENT THAT EFFORTS TO PREVENT THE PLACEMENT OF THE CHILD IN SHELTER CARE WERE NOT PROVIDED BECAUSE OF THE IMMEDIATE DANGER TO THE CHILD OR WERE PROVIDED BUT NOT SUCCESSFUL IN ELIMINATING THE NEED FOR FOSTER CARE PLACEMENT OF THE CHILD.

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

SECTION 1. That Section 16-1605, Idaho Code, be, and the same is hereby amended to read as follows:

16-1605. PETITION. (a) A petition invoking the jurisdiction of the court under this chapter shall be filed in the manner provided in this section:

(1) A petition must be signed by the prosecutor or deputy attorney general before being filed with the court.

(2) Any person or governmental body of this state having evidence of abuse, abandonment, or neglect of a child may request the

attorney general or prosecuting attorney to file a petition. The prosecuting attorney of the county where the child resides may file a petition on behalf of any child whose parent, guardian, or custodian has been accused in a criminal complaint of the crime of cruel treatment or neglect as defined in section 18-1501, Idaho Code.

(b) Petitions shall be entitled "In the Matter of , a child under the age of eighteen (18) years" and shall be verified and set forth with specificity:

(1) The facts which bring the child within the provisions of this chapter;

(2) The name, birthdate, sex and residence address of the child;

(3) The names and residence addresses of his parents, guardian or other custodian. If neither of his parents, guardian or other custodian resides or can be found within the state, or if their residence addresses are unknown, the name of any known adult relative residing within the state.

(4) Whether the child is in shelter care, and, if so, the type and nature of the shelter care, the circumstances necessitating such care and the date and time he was placed in such care.

(5) When any of the facts required by this section cannot be determined, the petition shall so state. The petition may be based on information and belief but in such case the petition shall state the basis of such information and belief.

(6) The petition shall state that reasonable efforts have been made prior to the placement of the child in care to prevent the removal of the child from his home or, if such efforts were not provided, that placement was due to immediate danger to the child.

SECTION 2. That Section 16-1610, Idaho Code, be, and the same is hereby amended to read as follows:

16-1610. DECREE -- DISPOSITION HEARING. (a) If a preponderance of the evidence of the adjudicatory hearing shows that the child comes within the purview of this chapter, the court shall so decree and in its decree shall make a finding of the facts and conclusions of law upon which it exercises jurisdiction over the child.

(b) Upon entry of its decree, the court may consider any information relevant to the disposition of the child, but in any event shall either:

(1) Place the child under protective supervision in his own home for an indeterminate period not to exceed one (1) year from the date entered but the court may extend the period of time upon a showing by the authorized agency that continued supervision is necessary for the best interests of the child.

(2) Vest legal custody in the department or other authorized agency subject to residual parental rights. The court shall make written findings as to whether the department made reasonable efforts to prevent the placement of the child in foster care, including findings, when appropriate, that (i) reasonable efforts were made but were not successful in eliminating the need for foster care placement of the child, or (ii) reasonable efforts

were not made because of immediate danger to the child.

(c) A decree vesting legal custody in the department shall be binding upon the department, and shall state the department shall prepare a written case plan within thirty (30) days of placement designed to make it possible for the child to return to his home; and shall be for an indeterminate period not to exceed one (1) year from the date entered, except that the department may file a petition with the court requesting renewal of the order and the court, after notice to the parties and hearing and finding, may renew the order if it finds such renewal necessary to safeguard the best interests of the child. Renewals may be made during minority, but no order shall have any force or effect beyond minority.

(d) A decree vesting legal custody in an authorized agency other than the department shall be, for an indeterminate period of time not to exceed one (1) year from the date entered, but the court may extend the period of time during the child's minority upon a showing by the authorized agency that continued custody or supervision is necessary for the best interests of the child, and on such other terms as the court shall state in its decree to be in the best interests of the child and which the court finds to be acceptable to such authorized agency.

(e) If the court does not find that the child comes within the purview of this chapter pursuant to subsection (a) of this section it shall dismiss the petition.

SECTION 3. That Section 16-1614, Idaho Code, be, and the same is hereby amended to read as follows:

16-1614. SHELTER CARE HEARING. (a) Notwithstanding any other provision of this chapter, when a child is taken into custody pursuant to section 16-1612, Idaho Code, a hearing to determine whether the child should be released shall be held according to the provisions of this section.

(b) The parents or custodian from whom the child was removed shall be given notice of the shelter care hearing. Such notice shall include the time, place, and purpose of the hearing; and, that such person is entitled to be represented by legal counsel. Notice as required by this subsection shall be given at least twenty-four (24) hours before the shelter care hearing.

(c) Notice of the shelter care hearing shall be given to the parents or custodian from whom the child was removed by personal service and the return of service shall be filed with the court. Provided, however, that such service need not be made where the undelivered notice is returned to the court along with an affidavit stating that such parents or custodian could not be located or were out of the state.

(d) The shelter care hearing may be continued for a reasonable time upon request by the parent, custodian or counsel for the child.

(e) If, upon the completion of the shelter care hearing, it is shown that:

(1) a petition has been filed; and

(2) there is reasonable cause to believe the child comes within

the purview of this chapter and that reasonable efforts to prevent the placement of the child in shelter care could not be provided because of the immediate danger to the child or were provided but were not successful in eliminating the need for foster care placement of the child; and

(3) it is in the best interests of the child to remain in temporary shelter care pending the conclusion of the adjudicatory hearing;

the court shall issue, within twenty-four (24) hours of such hearing, an order of temporary custody. Any evidence may be considered by the court which is of the type which reasonable people may rely upon.

(f) Upon ordering temporary custody pursuant to subsection (e) of this section, the court shall also order an adjudicatory hearing to be held as soon as possible, but in no event later than fifteen (15) days from the date the petition was filed.

(g) If the court does not find that the child should remain in shelter care under subsection (e) of this section, the child shall be released and the court may dismiss the petition.

Approved April 1, 1986.

CHAPTER 122
(S.B. No. 1251, As Amended)

AN ACT

RELATING TO POST RETIREMENT ALLOWANCE ADJUSTMENTS; AMENDING SECTION 59-1319A, IDAHO CODE, TO PROVIDE THAT CERTAIN POST RETIREMENT ALLOWANCE ADJUSTMENTS ARE SUBJECT TO LEGISLATIVE APPROVAL.

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

SECTION 1. That Section 59-1319A, Idaho Code, be, and the same is hereby amended to read as follows:

59-1319A. POST RETIREMENT ALLOWANCE ADJUSTMENTS. (1) Each retirement allowance payment shall, subject to the provisions of this section, equal the inflation factor for the ~~calendar~~ adjustment year of payment multiplied by the amount of the retirement allowance payment for ~~January~~ March of the previous year. During any ~~calendar~~ adjustment year for which the ratio of the consumer price index for October of the previous year to the consumer price index for October of the second previous year is not more than one hundred one per cent (101%), the inflation factor shall be such ratio or ninety-four per cent (94%), whichever is greater, which inflation factor shall not be subject to legislative approval. Otherwise the inflation factor during such adjustment year shall be one hundred one per cent (101%), except that the board, ~~at its sole discretion~~ with legislative approval, may put into effect a greater factor which is no more than such ratio or one hundred six per cent (106%), whichever is smaller, if it finds the

value of the actuarial assets of the system to be no less than its actuarial liabilities, including those created by the increased factor, and consistent with the requirements of section 59-1330, Idaho Code. The board's proposed inflation factor for any adjustment year shall be communicated by letter to the legislature by not later than January 15 prior to that year.

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

(3) During ~~a--calendar~~ an adjustment year following one in which there was no retirement allowance payment, each retirement allowance payment shall equal the initial retirement allowance multiplied by the bridging factor between the first day of the month following the member's final contribution and the date of the first retirement allowance payment.

(a) Except as provided in paragraph (b) of this subsection, the bridging factor between any two (2) dates shall be the ratio of the amounts of retirement allowance payable on the two (2) dates for any member who retired on the earlier date immediately following his final contribution.

(b) For any member not making a final contribution subsequent to 1974 whose initial retirement allowance is a minimum allowance provided in section 59-1319(1)(b) or 59-1319(2)(b), Idaho Code, the bridging factor shall be computed as if the member had made his final contribution in 1974.

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

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

(6) An adjustment year shall extend from March through the following February. Payments during January and February, 1987, shall be adjusted by the inflation factor for 1986. For the adjustment year commencing March, 1987, the board shall adopt a partial factor determined in a manner consistent with subsection (2) above.

(7) If, by the forty-fifth day of any regular legislative session, the legislature has not adopted a concurrent resolution rejecting or amending the proposed adjustments of the board allowed in subsection (1) above, such action on the part of the legislature shall constitute legislative approval of the board's adjustments.

Approved April 1, 1986.

CHAPTER 123
(S.B. No. 1252, As Amended)

AN ACT

RELATING TO LEGISLATIVE REVIEW OF PERSONNEL MATTERS; AMENDING CHAPTER 4, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-455, IDAHO CODE, TO CREATE A SPECIAL LEGISLATIVE COMMITTEE TO OVERSEE PERSONNEL MATTERS AFFECTING STATE EMPLOYEES AND STATE OFFICERS, TO PROVIDE FOR APPOINTMENTS TO THE COMMITTEE, TO PROVIDE FOR DUTIES AND RESPONSIBILITIES OF THE COMMITTEE, AND TO PROVIDE FOR REPORTS FROM THE COMMITTEE.

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

SECTION 1. That Chapter 4, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-455, Idaho Code, and to read as follows:

67-455. SPECIAL COMMITTEE ON PERSONNEL MATTERS. In order to maintain a degree of continuous oversight of personnel matters that affect state employees and officers, there is hereby established a special legislative committee on personnel matters.

The committee shall consist of two (2) members of the senate, one (1) from the majority party appointed by the president pro tempore, and one (1) from the minority party appointed by the minority leader, two (2) members of the house of representatives, one (1) from the majority party appointed by the speaker of the house, and one (1) from the minority party appointed by the minority leader, and a chairman who shall be appointed by the legislative council and who must be a member of either the senate or house state affairs committee.

The committee shall have as a primary duty and responsibility the task of monitoring and reviewing all aspects of the state's personnel system, and in doing so, is authorized to attend all meetings of the personnel commission (except executive sessions of the commission), to receive and review all personnel commission rules and regulations, and to receive and review all personnel commission recommendations.

The committee shall have as a secondary duty and responsibility the task of monitoring and reviewing all aspects of the state's personal benefits package available to or for state employees, and in doing so, is authorized to attend all meetings of the public employee retirement board (except executive sessions of the board), all meetings of the advisory committee formed by the administrator of the division of risk management to consider the various insurance programs available to state employees, and all meetings of the state board of examiners or its designee when considering a deferred compensation program available to state employees.

During any attendance at any meeting of an executive agency board, commission, committee, or activity, the committee on personnel matters shall act in the role of advisors only.

Notwithstanding the provisions of sections 67-2340 through

67-2347, Idaho Code, the committee may hold executive sessions to consider and hear complaints from any person.

The committee on personnel matters shall report to the president pro tempore and the speaker of the house by not later than February 1 of each year on all matters that have come to its attention, and may report and make recommendations on any aspect of the administration of the personnel system of this state.

Approved April 1, 1986.

CHAPTER 124
(S.B. No. 1261)

AN ACT

RELATING TO RECORD AND EXHIBITS ON APPEAL; AMENDING SECTION 19-2803, IDAHO CODE, TO PROVIDE THAT COPIES OF THE PRESENTENCE INVESTIGATIVE REPORT AND DOCUMENTARY EXHIBITS BE SERVED UPON THE ATTORNEY GENERAL IN CONNECTION WITH CRIMINAL APPEALS.

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

SECTION 1. That Section 19-2803, Idaho Code, be, and the same is hereby amended to read as follows:

19-2803. RECORD ON APPEAL -- ORAL ARGUMENT -- EXHIBITS -- PRESENTENCE REPORT ON APPEAL. (a) The clerk's record and the reporter's transcript in an appeal of a criminal action to the Supreme Court shall contain such portions and documents of the proceedings of the district court, and be prepared, processed and transmitted to the Supreme Court as provided by Rule of the Supreme Court. Argument of a criminal appeal shall be as prescribed by Rule of the Supreme Court, but the defendant shall not have any right to appear at the time of oral argument unless otherwise ordered by the Supreme Court.

(b) In any case where a presentence report is relevant to any issue on appeal, and is transmitted to the Supreme Court or the court of appeals for such use, the clerk of the district court shall serve a copy of the report on the attorney general.

(c) In any case where a documentary exhibit is transmitted to the Supreme Court or the court of appeals for use in appellate proceedings to which the state or any of its officers is a party in an official capacity, the clerk of the district court shall serve a copy of the exhibit on the attorney general.

Approved April 1, 1986.

CHAPTER 125
(S.B. No. 1262)

AN ACT
RELATING TO BAIL PENDING APPEAL; AMENDING SECTION 19-2905, IDAHO CODE, TO PROVIDE THAT THE ALLOWANCE OF BAIL PENDING APPEAL SHALL BE SOLELY AS PROVIDED BY STATUTE.

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

SECTION 1. That Section 19-2905, Idaho Code, be, and the same is hereby amended to read as follows:

19-2905. BAIL PENDING APPEAL FROM CONVICTION IN A CRIMINAL CASE. Bail may be allowed to the defendant where good cause is shown, in all cases in which the appeal is from the trial, conviction or sentence for a criminal offense; except that no bail shall be allowed when the defendant has been sentenced for the said criminal offense to death, life imprisonment or for a term of incarceration exceeding five (5) years of where there has been an enhanced penalty imposed pursuant to sections 19-2520 or 19-2520A, Idaho Code. Notwithstanding any rule of court or statutory provision to the contrary, no court of the state shall have any power to alter the right to bail pending appeal as limited herein.

Approved April 1, 1986.

CHAPTER 126
(S.B. No. 1263)

AN ACT
RELATING TO POST CONVICTION PROCEEDINGS; AMENDING SECTION 19-4901, IDAHO CODE, TO PROVIDE FOR THE PRECLUSION OF COLLATERAL ISSUES NOT RAISED ON DIRECT APPEAL, UNLESS THE ASSERTED BASIS FOR RELIEF RAISES A SUBSTANTIAL DOUBT ABOUT THE RELIABILITY OF THE FINDING OF GUILT.

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

SECTION 1. That Section 19-4901, Idaho Code, be, and the same is hereby amended to read as follows:

19-4901. REMEDY -- TO WHOM AVAILABLE -- CONDITIONS. (a) Any person who has been convicted of, or sentenced for, a crime and who claims:

(1) that the conviction or the sentence was in violation of the Constitution of the United States or the Constitution or laws of this state;

(2) that the court was without jurisdiction to impose sentence;

(3) that the sentence exceeds the maximum authorized by law;
(4) that there exists evidence of material facts, not previously presented and heard, that requires vacation of the conviction or sentence in the interest of justice;
(5) that his sentence has expired, his probation, or conditional release was unlawfully revoked by the court in which he was convicted, or that he is otherwise unlawfully held in custody or other restraint; or
(6) that the conviction or sentence is otherwise subject to collateral attack upon any ground of alleged error heretofore available under any common law, statutory or other writ, motion, petition, proceeding, or remedy: may institute, without paying a filing fee, a proceeding under this act to secure relief.

(b) This remedy is not a substitute for nor does it affect any remedy incident to the proceedings in the trial court, or of an appeal from the sentence or conviction. Any issue which could have been raised on direct appeal, but was not, is forfeited and may not be considered in post conviction proceedings, unless it appears to the court, on the basis of a substantial factual showing by affidavit, deposition or otherwise, that the asserted basis for relief raises a substantial doubt about the reliability of the finding of guilt and could not, in the exercise of due diligence, have been presented earlier. Except as otherwise provided in this act, it comprehends and takes the place of all other common law, statutory, or other remedies heretofore available for challenging the validity of the conviction or sentence. It shall be used exclusively in place of them.

Approved April 1, 1986.

CHAPTER 127
(S.B. No. 1274, As Amended)

AN ACT
RELATING TO THE PERSONNEL SYSTEM; AMENDING SECTION 67-5309, IDAHO CODE, TO PROVIDE NO RIGHT OF GRIEVANCE FOR TERMINATION OF EMPLOYMENT DURING THE ENTRANCE PROBATIONARY PERIOD, TO CLARIFY LANGUAGE RELATING TO ACTIONS WHICH MAY BE TAKEN FOR DISCIPLINARY REASONS, TO PROVIDE PROPER NOMENCLATURE, AND TO STRIKE OBSOLETE PROVISIONS.

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

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

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

(a) A rule requiring the personnel commission, after consulting with each department to develop, adopt, and make effective, a clas-

sification plan for positions covered by this act, based upon an analysis of the duties and responsibilities of the position. The classification plan will include an appropriate title for each class, and a description of duties and responsibilities of positions in the classes and requirements of minimum training, experience and other qualifications, suitable for the performance of duties of the position.

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

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

(d) A rule providing for not less than biennial review by the commission of the personnel system including classification and compensation plans, policies and procedures.

(e) A rule requiring fair and impartial selection of appointees to all positions other than those exempted in this act, on the basis of open competitive merit examinations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces, or undergoing hospitalization of no more than one (1) year following discharge, during any period in which the examination was open; the application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time for any position for which the commission maintains a register or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any war veteran and the widow of any war veteran as long as she remains unmarried. Ten (10) points shall be added to the earned rating of any disabled war veteran, the widow of any disabled war veteran as long as she remains unmarried or the spouse of any disabled veteran who is physically unable to perform the work in the position to which the spouse seeks to apply the preference. Employment registers shall be established in order of final score except that the names of all five (5) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating, and the names of all ten (10) point preference eligibles shall be placed at the top of the register above the names of all nonpreference eligibles. Certifi-

cation of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the five (5) top ranking available eligibles plus the names of all individuals with scores identical to the fifth ranking eligible on the register; however, selective certification shall be permitted when justified by the hiring department, under rules to be made by the commission defining adequate justification based on the duties and requirements of the position. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

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

(g) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made after each two thousand eighty (2,080) hour period of credited state service, and that a copy of the evaluation shall be filed with the commission.

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

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

~~(j)~~ A rule establishing a probation period not to exceed a stipulated period of time, and for the appointing authority to notify the commission and the employee in writing prior to the expiration of the probationary period concerning satisfactory or unsatisfactory performance. ~~Employees-who-during-the-probationary-period-are-performing-in an-unsatisfactory-manner-may-be-asked-to-resign-and,-upon--failure--to submit--such--resignation,--may--be--discharged--without--the-right-of appeal.~~ If an employee is performing in an unsatisfactory manner during the entrance probationary period, the appointing authority shall ask the employee to resign, and if no resignation is submitted, shall terminate the employment of such employee without the right of grievance or appeal. The appointing authority must notify the commission and the employee in writing in order for the probationer to become a permanent employee.

(~~k~~j) A rule concerning provisional appointments.

(~~l~~k) A rule concerning temporary appointments.

(~~m~~l) A rule governing the employment of consultants and persons

retained under independent contract.

(nm) A rule for the ~~discharge--or--reduction-of-rank-or-grade~~ disciplinary dismissal, demotion, suspension or other disciplin~~ing~~e of ~~permanent~~ employees only for cause with reasons given in writing. Such rule shall provide that any of the following reasons shall be proper cause for the ~~discharge,-reduction-of-rank-or-grade~~ disciplinary dismissal, demotion or suspension of any employee in the state classified service:

1. Failure to perform the duties and carry out the obligations imposed ~~upon-him~~ by the state constitution, state statutes, rules and regulations of ~~his~~ the employee's department, or rules and regulations of the personnel commission.
2. Inefficiency, incompetency, or negligence in the performance of duties.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in ~~his~~ the employee's department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence which violates the principles of the merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.
10. Acceptance of gifts in exchange for influence or favors given in ~~his~~ the employee's official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
12. Habitual improper use of sick leave privileges.
13. Unauthorized disclosure of confidential information from official records.
14. Absence without leave.
15. Misstatement or deception in ~~his~~ the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing ~~his~~ the duties of the job.
17. Prohibited participation in political activities.

(o~~n~~) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system.

(p~~o~~) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(q~~p~~) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill

employment vacancies.

(rq) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this act.

(sr) A rule concerning "project exempt" appointments.

(ts) Rules relating to leave for state employees from official duties, including but not limited to sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.

~~(u)--An-interim-rule-providing,-notwithstanding-any--other--provision--of-this-chapter,-for-developing-equivalent-standards-of-measurement-for-all-references-in-this-chapter-to-hours--for--those--agencies which-have-not-converted-to-the-biweekly-payroll-system.~~

Approved April 1, 1986.

CHAPTER 128
(S.B. No. 1275, As Amended)

AN ACT

RELATING TO THE PRACTICE OF ACCOUNTANCY; AMENDING SECTION 54-206, IDAHO CODE, TO DEFINE "REPORT" AND "PROFESSIONAL CORPORATION FOR PUBLIC ACCOUNTANCY;" AMENDING SECTION 54-218, IDAHO CODE, TO EXPAND THE PROHIBITION AGAINST UNAUTHORIZED USE OF CERTAIN TITLES OR DESIGNATIONS RELATING TO THE PRACTICE OF ACCOUNTANCY TO INCLUDE WITHIN THE PROHIBITION ASSOCIATIONS OF ANY KIND OR NATURE AND TO STRIKE LANGUAGE RELATING TO ATTESTATION; AMENDING CHAPTER 2, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-218A, IDAHO CODE, TO SET FORTH A PROHIBITION AGAINST ISSUANCE OF A REPORT BY OTHER THAN CERTAIN PARTNERSHIPS, CERTAIN PROFESSIONAL CORPORATIONS AND PERSONS LICENSED AS CERTIFIED PUBLIC ACCOUNTANTS OR PUBLIC ACCOUNTANTS; AMENDING SECTION 54-219, IDAHO CODE, TO PROVIDE THAT PARTNERSHIPS, CORPORATIONS AND ASSOCIATIONS OF ANY KIND OR NATURE, IN ADDITION TO PERSONS, MAY BE GUILTY OF A MISDEMEANOR; AND AMENDING SECTION 54-220, IDAHO CODE, TO EXPAND THE INJUNCTION REMEDY TO COVER CORPORATIONS, PARTNERSHIPS AND ASSOCIATIONS.

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

SECTION 1. That Section 54-206, Idaho Code, be, and the same is hereby amended to read as follows:

54-206. DEFINITIONS. As used in this act:

(1) "Certified public accountant" means any person who holds a valid, unrevoked and unsuspended certificate and/or license (where applicable) under the provisions of chapter 2, title 54, Idaho Code, designating said person as a certified public accountant.

(2) "Public accountant" means any person who holds a valid, unrevoked and unsuspended license under the provisions of chapter 2, title

54, Idaho Code.

(3) "Board" means the Idaho state board of accountancy.

(4) "Advisory committee" means the public accountants' advisory committee.

(5) "Certificate" means that document issued by the board acknowledging and attesting to the fact that the holder thereof possesses good moral character and has satisfied the necessary qualifications of learning, experience and ability to be certified as a certified public accountant in the state of Idaho.

(6) "License" means that document issued by the board permitting the holder of a certificate to practice as a certified public accountant in the state of Idaho or a public accountant, and permitting a public accountant to practice as a public accountant.

(7) "Applicant" means any person having the requisite qualifications who makes application to the board for a certificate or license under this act.

(8) "Person" means any natural living person.

(9) "State" means any state, territory or insular possession of the United States, or the District of Columbia.

(10) "Academic year" means that period of study, at a college or university, approved by the board, necessary to accumulate the equivalent of thirty (30) semester credit hours.

(11) "Hold out" or "holding out" means providing or offering to provide, work or services as a certified public accountant or public accountant to anyone other than as an employee of an employer or employers by whom state and federal income tax, or FICA tax, is withheld from the salary for which such services are rendered.

(12) "Report" when used with reference to financial statements, means an opinion, report, or other form of language that states or implies assurance as to the reliability of any financial statement and that also includes or is accompanied by any statement or implication that the person or firm issuing it has special knowledge or competence in accounting or auditing. Such a statement or implication of special knowledge or competence may arise from use by the issuer of the report of names or titles indicating that he or it is an accountant or auditor, or from the language of the report itself. The term "report" includes any form of language which disclaims an opinion when such form of language is conventionally understood to imply any positive assurance as to the reliability of the financial statements referred to and/or special competence on the part of the person or firm issuing such language; and it includes any other form of language that is conventionally understood to imply such assurance and/or such special knowledge or competence.

(13) "Professional corporation for public accountancy" means either (i) a corporation organized pursuant to chapter 13, title 30, Idaho Code, the shareholders of which are all persons licensed as certified public accountants or public accountants, or (ii) a foreign corporation certified by the secretary of state to do business in certified public accountancy or public accountancy in Idaho pursuant to sections 30-1-111 and 30-1314, Idaho Code, provided that any officer, shareholder, agent, or employee of the corporation remains personally and fully liable and accountable for any negligent or

wrongful act or misconduct committed by him, or by any person under his direct supervision and control, while rendering professional accounting services on behalf of the corporation in the state of Idaho.

SECTION 2. That Section 54-218, Idaho Code, be, and the same is hereby amended to read as follows:

54-218. USE OF TITLE -- VALID LICENSE TO PRACTICE. (1) No person shall assume or use the title or designation "certified public accountant" or any other title, designation, words, letters, abbreviations, sign, card, or device to indicate that such person is a certified public accountant unless such person holds a certificate or license as a certified public accountant pursuant to chapter 2, title 54, Idaho Code.

(2) No person shall assume or use the title or designation "public accountant" or any other title, designation, words, letters, abbreviations, sign, card, or device to indicate that such person is a public accountant unless such person holds a certificate or license pursuant to chapter 2, title 54, Idaho Code.

(3) No person, partnership or corporation or association of any kind or nature shall assume or use the title or designation "certified accountant," "chartered accountant," "enrolled accountant," "licensed accountant," "registered accountant," "accredited accountant," "accountant," "auditor" or other title or designation or any of the abbreviations "CA," "EA," "RA," or "LA," or similar abbreviations likely to be confused with "certified public accountant" or "public accountant"; provided, that the provisions of this subsection shall not prohibit any officer, employer, partner or principal of any organization from using the designations accountant or auditor in reference to any wording designating the position, title or office which he holds in said organization nor shall the provisions of this subsection prohibit the use of the designations accountant or auditor by any public official or public employee in reference to his public position, title or office and provided that notwithstanding the provisions of this section, the board may promulgate regulations authorizing and limiting the use of specific titles and designations granted by recognized professional societies or associations.

(4) ~~No person shall affix his name or any trade or assumed name used by him in his profession or business to any opinion or certificate attesting in any way to the reliability of any representation or estimate in regard to any person or organization embracing (1) financial information or (2) facts respecting compliance with conditions established by law or contract, including but not limited to statutes, ordinances, regulations, grants, loans and appropriations, together with any wording accompanying or contained in such opinion or certificate, which indicates (A) that he is an accountant or auditor or (B) that he has expert knowledge in accounting or auditing unless he is licensed as a certified public accountant or public accountant pursuant to this act; provided, however, that the provisions of this subsection shall not prohibit any officer, employee, partner or principal of any organization from affixing his signature to any statement or~~

~~report in reference to the affairs of said organization with any wording designating the position, title, or office which he holds in said organization, nor shall the provisions of this subsection prohibit any act of a public official or public employee in the performance of his duties as such.~~

~~(5)~~ As to any person possessing the qualifications required for licensure as a public accountant, enforcement of subsections (2) ~~and (4)~~ of this section shall not commence until July 1, 1977.

SECTION 3. That Chapter 2, 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 54-218A, Idaho Code, and to read as follows:

54-218A. ISSUANCE OF REPORT. (1) No person shall affix his name or any trade or assumed name used by him in his profession or business to any report on the financial statements of any other person, firm, organization or governmental unit, unless he is licensed as a certified public accountant or a public accountant pursuant to this act.

(2) No corporation shall affix its name to a report on the financial statements of any other person, firm, organization, or governmental unit unless it is a professional corporation for public accountancy as defined in subsection (13) of section 54-206, Idaho Code.

(3) No partnership or association of any kind or nature shall affix its name to a report on the financial statements of any other person, firm, organization or governmental unit unless all of its partners, officers, or shareholders who regularly work in the state of Idaho are themselves persons licensed as certified public accountants or public accountants pursuant to this act, and all other partners, officers, or shareholders are persons licensed as certified public accountants or public accountants in some other state.

(4) The provisions of this section shall not prohibit the performance by any person, corporation, partnership, or association of other services involving the use of accounting skills, including the preparation of tax returns, management advisory services, nor shall the provisions of this section prohibit the preparation by any person, corporation, partnership or association not licensed under this act of financial statements without the issuance of reports thereon.

(5) The provisions of this section shall not prohibit any officer or employee of any corporation, or of any subsidiary thereof, from affixing his signature to any report on any financial statements of said corporation, or of any subsidiary thereof, with any wording designating the position, title, or office which he holds in said corporation, or subsidiary as the case may be, nor shall the provisions of this section prohibit any officer, employee, partner or principal of any other organization from affixing his signature to any report on any financial statements of said organization with any wording designating the position, title or office which he holds in said organization, nor shall the provisions of this section prohibit any act of a public official or public employee in the performance of his duties as such.

SECTION 4. That Section 54-219, Idaho Code, be, and the same is hereby amended to read as follows:

54-219. VIOLATION OF ACT A MISDEMEANOR. Any violation of any of the provisions of this act shall constitute a misdemeanor, and any person, corporation, partnership or association of any kind or nature convicted thereof may be punished by a fine not to exceed three hundred dollars ($300), or by six (6) months in a county jail, or by both.

SECTION 5. That Section 54-220, Idaho Code, be, and the same is hereby amended to read as follows:

54-220. INJUNCTION. Whenever any person, corporation, partnership or association of any kind or nature violates any of the provisions of this act, the board, without regard to criminal prosecution, may maintain an action in the name of the state of Idaho to enjoin said person, corporation, partnership or association from any further violations, such action to be brought either in the county in which said acts are claimed to have been or are being committed, in the county where the defendant resides, or in Ada County. Upon the filing of a verified complaint in the district court, the court, if satisfied that the acts complained of have been or probably are being or may be committed, may issue an injunction pendente lite without bond, on request of the board, enjoining the defendant from the commission of any such act or acts constituting said violations. A copy of said complaint shall be served upon the defendant, and the proceedings shall thereafter be conducted as in any other similar civil action. If the commission of said act or acts be established, the court shall enter a decree perpetually enjoining said defendant from committing said act or acts. In case of violation of any injunction issued under the provisions of this section, the court, or the judge thereof at chambers, may summarily try and punish the offender for his contempt of court.

Approved April 1, 1986.

CHAPTER 129
(S.B. No. 1279, As Amended)

AN ACT

RELATING TO DISPOSAL OF REAL PROPERTY, AMENDING CHAPTER 3, TITLE 58, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 58-335A, IDAHO CODE, TO PROVIDE THAT CERTAIN PARCELS OF REAL PROPERTY DECLARED SURPLUS BY THE IDAHO TRANSPORTATION DEPARTMENT SHALL BE EXEMPT FROM THE PROVISIONS OF THE SURPLUS PROPERTY ACT AND TO PROVIDE FOR PROMULGATION OF RULES AND REGULATIONS BY THE IDAHO TRANSPORTATION BOARD TO GOVERN THE SALE OF THESE CERTAIN PARCELS OF REAL PROPERTY.

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

SECTION 1. That Chapter 3, Title 58, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 58-335A, Idaho Code, and to read as follows:

58-335A. OTHER LANDS EXEMPT FROM ACT. The provisions of sections 58-331 through 58-335, Idaho Code, shall not apply to surplus real properties of the Idaho transportation department having an appraised value of one thousand dollars ($1,000) or less, with the exclusion of office and maintenance yard sites. The Idaho transportation board shall promulgate rules and regulations to govern the sale of surplus real properties under this section, provided that in no case shall a property be sold for a value less than that established through the appraisal process.

Approved April 1, 1986.

CHAPTER 130
(S.B. No. 1281)

AN ACT

RELATING TO TERMS OF SALE OF STATE LANDS; AMENDING SECTION 58-314, IDAHO CODE, TO PROVIDE THAT PAYMENT TERMS ON SALES OF STATE LANDS SHALL BE CASH ON THE DAY OF SALE UNLESS OTHERWISE PROVIDED BY THE STATE BOARD OF LAND COMMISSIONERS AND TO PROVIDE PARAMETERS FOR INSTALLMENT SALES; AND REPEALING SECTION 58-315, IDAHO CODE, RELATING TO STUMP LANDS.

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

SECTION 1. That Section 58-314, Idaho Code, be, and the same is hereby amended to read as follows:

58-314. PLACE AND TERMS OF SALE -- CASH SALES -- NOXIOUS WEED DISTRICTS. All sales of state lands shall be held at the state capitol unless otherwise directed by the state board of land commissioners. Any such sale held away from the state capitol shall take place at the county seat of the county or one (1) of the counties in which such lands are situated unless otherwise directed by the board.

Terms of payment shall be ~~as--follows:-Timber-lands-and-lands chiefly-valuable-for-timber,-cash-on-day-of-sale,-or-on-installments-as provided-in-section-58-411,-Idaho-Code;-lands--acquired--by--sheriff's deed--or-deed-taken-in-satisfaction-of-mortgage-securing-loan-of-state funds,-cash-on-the-day-of-sale-or-on-such-other-terms--and--conditions as--the--state--board--of--land-commissioners-may-direct;-on-all-other lands,-except-those-mentioned-in-section-58-315,-Idaho-Code,--ten--per cent-(10%)-of-the-purchase-money-on-the-day-of-sale-and-the-balance-in twenty-(20)-annual-payments-with-interest-at-the-rate-per-annum-set-by~~

~~the-state-board-of-land-commissioners-on-all-deferred-payments;-except that--where-the-purchase-price-is-less-than-one-hundred-dollars-($100) it-shall-be-paid-in-full-on-the-day-of-sale-and-provided-further--that if--the--purchase--price-is-less-than-four-hundred-dollars-($400),-ten per-cent-(10%)-of-the-purchase-money-shall-be-paid-on-day-of-sale--and the-balance-in-annual-payments;-the-number-of-installments-to-be-determined-by-the-state-land-board~~ cash on the day of sale, except that the state board of land commissioners may sell state lands on installments with the down payment, number of installments and interest on deferred payments to be set by the board, but in no case shall the down payment be less than ten per cent (10%) of the purchase price or the number of annual payments greater than twenty (20). The purchaser shall always have the right to make full payment with accrued interest at any time. Interest on deferred payments shall be payable annually in advance on January first, and interest for the first year to January first next succeeding shall be paid at the time of purchase.

When, in an installment sale, the conditions hereinbefore prescribed have been complied with, the state board shall make and deliver to the purchaser a certificate of purchase containing the name of the purchaser, a description of the land, the sum paid, the amount remaining due, and the date at which each of the deferred payments falls due and the amount thereof, and the amount and date of the several payments of interest to be made thereon. Such certificate shall be signed by the governor and countersigned by the director of the department of lands and a record of the same kept by him in a suitable book. When, in the judgment of the board, a bond by a purchaser of state lands is necessary, the state board shall require such purchaser to give a bond upon such conditions as the said board may determine.

Whenever a purchaser of state lands shall have complied with all of the conditions of the sale, paid all purchase money with the lawful interest thereon, and shall furnish the director with satisfactory proof of payment of taxes levied and assessed against his equity in said lands for the current year, or with satisfactory proof that such taxes are otherwise secured, he shall receive a deed for the land purchased. Such deed shall be signed by the governor, and countersigned by the secretary of state and by the director and attested with the great seal of the state and the seal of the state board of land commissioners, and said deed shall operate to convey to the purchaser a good and sufficient title in fee simple: provided that the conveyance by said deed shall be subject to reasonable easements for all roads used by the public which exist at the time of sale, unless the county commissioners of the county in which such roads are situated approve the release of such easements and the deed expressly conveys said easements.

Provided, that the state land board may, in its judgment and on the application of the purchaser, extend the time of payment on all state lands purchased prior to the time this section takes effect in such manner as to distribute the remaining payments over a period which, when added to the period which shall have elapsed since the purchase was made, shall not exceed twenty (20) years in all.

Interest on all deferred payments to be at the rate per annum set

by the state board of land commissioners. All payments shall be made to the director.

On state lands hereafter sold under contract of sale in noxious weed control districts, or which may become a part of a noxious weed control district, it shall be the duty of the contract purchaser if the lands are, or may become, infested with noxious weeds to join such a district and pay for the eradication and/or control of noxious weeds on these lands. If within ninety (90) days after receiving a notice by registered mail from the state land department that the lands are infested with noxious weeds, he does not join such a weed control program the director may request the treatment of such lands by those in charge of the weed control district. When the cost of such treatment has been determined, the supervisor of the weed control district shall send a bill to the purchaser for such eradication of noxious weeds, and if the amount of said bill be not paid within ninety (90) days the state board of land commissioners may declare the contract of sale forfeited and cancel the same, and if the contract is canceled said bill for noxious weed eradication and/or control shall be paid from the state noxious weed control fund appropriated for the treatment of noxious weeds upon state lands.

SECTION 1. That Section 58-315, Idaho Code, be, and the same is hereby repealed.

Approved April 1, 1986.

CHAPTER 131
(S.B. No. 1284)

AN ACT

RELATING TO MINERAL RIGHTS IN STATE LANDS; AMENDING SECTION 47-702, IDAHO CODE, TO PROVIDE THAT THE BOARD OF LAND COMMISSIONERS CAN WITHDRAW STATE LANDS UNDER THEIR CONTROL AND JURISDICTION FROM MINERAL ENTRY.

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

SECTION 1. That Section 47-702, Idaho Code, be, and the same is hereby amended to read as follows:

47-702. RIGHT OF EXPLORATION AND WITHDRAWAL. (1) All lands belonging to the state of Idaho in which the mineral deposits, excepting oil and gas and geothermal resources, are owned by the state, and which have not been located ~~or~~, leased, or withdrawn in accordance with the terms of this chapter, are hereby declared to be free and open to casual exploration~~;-provided,-that-the~~.

(2) The board of land commissioners is authorized in its discretion to withdraw from entry and exploration specifically described tracts of state lands under ~~the~~ its control and jurisdiction ~~of~~, or state lands under the control and jurisdiction of other state agen-

cies. Within thirty (30) days of the decision for such withdrawal the board of land commissioners shall publish a notice in a newspaper of general circulation in the county or counties in which such lands are situated providing the legal description of the lands withdrawn. Concerned citizens shall have thirty (30) days from the date of publication to request an appeal of such withdrawal to the board of land commissioners.

Approved April 1, 1986.

CHAPTER 132
(S.B. No. 1290, As Amended)

AN ACT

RELATING TO STATE INCOME TAX REFUNDS; AMENDING SECTION 63-3035, IDAHO CODE, AS AMENDED BY CHAPTER 4 AND CHAPTER 20, LAWS OF 1983, TO CONFORM AMENDMENTS MADE BY SEPARATE LEGISLATIVE BILLS, AND TO PROVIDE THAT EXCESS INCOME TAX DEDUCTED SHALL BE REFUNDED TO THE EMPLOYEE NOT LATER THAN SIXTY DAYS AFTER FILING OF THE RETURN.

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

SECTION 1. That Section 63-3035, Idaho Code, as amended by Chapter 4 and Chapter 20, Laws of 1983, 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;

(2) must make return of and pay to the state tax commission monthly on or before the 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 calen-

dar 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)~~ sixty (60) 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 three (3) 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.

Approved April 1, 1986.

CHAPTER 133
(S.B. No. 1293)

AN ACT

RELATING TO THE PERSONNEL SYSTEM; AMENDING SECTION 67-5302, IDAHO

CODE, TO DESCRIBE AS "NONCLASSIFIED" ALL EMPLOYEES DEFINED AS EXEMPTED FROM THE PERSONNEL SYSTEM, TO STRIKE THE DEFINITION OF "EXEMPT" AND REDEFINE IT IN ACCORDANCE WITH EXEMPTIONS UNDER THE FAIR LABOR STANDARDS ACT, AND TO DEFINE "NONCLASSIFIED EMPLOYEE"; AMENDING SECTIONS 67-5303, 67-5305, 67-5309 AND 67-5311, IDAHO CODE, TO CHANGE THE REFERENCE FROM "EXEMPT" TO "NONCLASSIFIED"; AMENDING SECTION 67-5328, IDAHO CODE, TO PROVIDE THAT COMPENSATION FOR OVERTIME BE MADE SUBJECT TO THE RESTRICTIONS OF APPLICABLE FEDERAL LAW; AMENDING SECTION 67-5329, IDAHO CODE, TO PROVIDE THAT COMPENSATION FOR OVERTIME BE MADE SUBJECT TO THE RESTRICTIONS OF APPLICABLE FEDERAL LAW, AND TO PROVIDE THAT ALL EMPLOYEES QUALIFIED FOR A COMPLETE EXEMPTION WILL RECEIVE STRAIGHT COMPENSATORY TIME OFF FOR OVERTIME; AMENDING SECTION 67-5331, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 59-1601, IDAHO CODE, TO CHANGE THE REFERENCE FROM "EXEMPT" TO "NONCLASSIFIED" EMPLOYEES; AMENDING SECTION 59-1607, IDAHO CODE, TO STRIKE THE EXEMPTION FROM OVERTIME COMPENSATION FOR EMERGENCY OR PICK UP FIREFIGHTERS, TO PROVIDE THAT COMPENSATION FOR OVERTIME BE MADE SUBJECT TO THE RESTRICTIONS OF APPLICABLE FEDERAL LAW, AND TO PROVIDE THAT ALL EMPLOYEES QUALIFIED FOR A COMPLETE EXEMPTION WILL RECEIVE STRAIGHT COMPENSATORY TIME OFF FOR OVERTIME; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 67-5302, Idaho Code, be, and the same is hereby amended to read as follows:

67-5302. DEFINITIONS. As used in this chapter, and other applicable sections of the Idaho Code, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context. Such terms and their definitions are:

(1) "Administrative employee" means any person, ~~exempt~~ <u>nonclassified</u> or classified, appointed to a position which meets the following criteria:

1. (a) Responsible office or nonmanual work directly related to the management policies of a department or section; or

   (b) Responsible work that is directly related to academic instruction or training carried on in the administration of a school system or educational establishment; and

2. ~~He~~ <u>The employee</u> must customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures. ~~He~~ <u>The employee</u> must have the authority to make important decisions; and

3. ~~He~~ <u>The employee</u> must:

   (a) Regularly assist a bona fide executive or administrative employee; or

   (b) Perform work under general supervision along specialized or technical lines requiring special training, experience or knowledge; or

   (c) Execute under only general supervision special assign-

ments; and

4. The ~~individual~~ employee is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by section 67-5309C, Idaho Code.

5. Final designation of a classified position as "administrative" within this definition shall be made by the Idaho personnel commission.

(2) "Appointing authority" means the officer, board, commission, person or group of persons authorized by statute or lawfully delegated authority to make appointments to or employ personnel in any department.

(3) "Class" means a group of positions sufficiently similar as to the duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and other characteristics, that the same title, the same tests of fitness and the same schedule of compensation may be applied to each position in the group.

(4) "Classified officer or employee" means any person appointed to or holding a position in any department of the state of Idaho which position is subject to the provisions of the merit examination, selection, retention, promotion and dismissal requirements of chapter 53, title 67, Idaho Code.

(5) "Commission" means the Idaho personnel commission.

(6) "Compensatory time" means approved time off from duty provided in compensation for overtime hours worked.

(7) "Department" means any department, agency, institution or office of the state of Idaho.

(8) "Eligible" means a person who has been determined to be qualified for a classified position and whose name has been placed on the register of eligibles.

(9) "Executive employee" means any person, ~~exempt~~ nonclassified or classified, appointed to a position equivalent to a bureau chief or above as provided in section 67-2402, Idaho Code, or any employee meeting the following criteria:

1. An individual whose primary duty is management of a department, division or section; and

2. Who customarily and regularly directs the work of at least two (2) or more other employees therein; and

3. Who has the authority to hire and fire, or to recommend hiring and firing; or whose recommendation on these and other actions affecting employees is given particular weight; and

4. Who customarily and regularly exercises discretionary powers; and

5. Who is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by section 67-5309C, Idaho Code.

6. Final designation of a classified position as "executive" in this definition shall be made by the Idaho personnel commission.

(10) "Exempt employee" means any ~~person appointed to or holding a position in any department of the state of Idaho which position is exempted from the provisions of chapter 53, title 67, Idaho Code, as~~

~~provided--for--in--section-67-5303,-Idaho-Code~~ employee, classified or nonclassified, who is determined to be an executive, professional or administrative employee as defined herein, or who qualifies for any other exemption from cash compensation for overtime under applicable federal law. Final designation of a classified position as exempt shall be made by the Idaho personnel commission.

(11) "Full-time employee" means any employee working a forty (40) hour work week.

(12) "Holiday" means the following:

January 1 (New Year's Day);
Third Monday in February (Washington's Birthday);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veteran's Day);
Fourth Thursday in November (Thanksgiving);
December 25 (Christmas)

In addition, the term "holiday" shall mean any day so designated by the president of the United States or the governor of this state for a public fast, thanksgiving or holiday.

In the event that a holiday occurs on a Saturday, the preceding Friday shall be a holiday, and if the holiday falls on a Sunday, the following Monday shall be a holiday.

A holiday is a day of exemption from work granted to employees during which said employees shall be compensated as if they actually worked.

(13) "Hours worked" means those hours actually spent in the performance of the employee's job and shall not include holidays, vacation or sick leave or other approved leave of absence.

(14) "Nonclassified employee" means any person appointed to or holding a position in any department of the state of Idaho, which position is exempted from the provisions of chapter 53, title 67, Idaho Code, as provided for in section 67-5303, Idaho Code.

(15) "Normal work week" means any forty (40) hours worked during a particular one hundred and sixty-eight (168) hour period as previously established by the employee's appointing authority.

(15~~6~~) "Open competitive examination" means an examination which may be taken by qualified applicants to compete on an equal basis for listing on the register of eligibles.

(16~~7~~) "Overtime work" means time worked on holidays and time worked in excess of forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours, except that in the case of those employees engaged in law enforcement, correctional and fire protection activities characterized by irregular shift work schedules, time worked in excess of one hundred sixty (160) hours in a period of twenty-eight (28) consecutive days shall constitute overtime work within the meaning of this chapter.

(17~~8~~) "Participating department" means any department of the state of Idaho which employs persons in classified positions subject to the merit examination, selection, retention, promotion and dismissal requirements of this chapter.

(~~18~~9) "Part-time employee" means any employee whose usually scheduled work is less than forty (40) hours in a period of one hundred sixty-eight (168) consecutive hours.

(~~19~~20) "Personnel system" means the procedure for administering employees in accordance with this chapter.

(~~20~~1) "Political office" means a public office for which partisan politics is a basis for nomination, election or appointment.

(~~21~~2) "Political organization" means a party which sponsors candidates for election to political office.

(~~22~~3) "Position" means a group of duties and responsibilities legally assigned or delegated by one (1) or more appointing authorities and requiring the employment of one (1) person.

(~~23~~4) "Professional employee" means any person, ~~exempt~~ nonclassified or classified, appointed to a position which meets the following criteria:

1. The ~~individual's~~ employee's primary duty must be either:
   (a) Work requiring knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study; or
   (b) Work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on his invention, imagination, or talent; or
   (c) Work as a teacher certified or recognized as such in a school system or educational institution by which he is employed; and
2. ~~He~~ The employee must consistently exercise discretion and judgment; and
3. ~~He~~ The employee must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and
4. The ~~individual~~ employee is classified to a position allocated to the pay grade equivalent to two hundred sixty (260) points or higher pursuant to the rating system established by section 67-5309C, Idaho Code.
5. Final designation of a classified position as "professional" within this definition shall be made by the Idaho personnel commission.

(~~24~~5) "Provisional appointment" means appointment to a classified position pending the establishment of a register for such position and employment shall not be continued in this status longer than thirty (30) days after establishment of a register.

(~~25~~6) "Qualifying examination" means an examination given to a selected person to determine eligibility for reclassification or appointment to a position in a classification.

(~~26~~7) "Register" means a list of names of persons who have been determined to be eligible for employment in a classified position as determined on the basis of examination and merit factors as established by the commission.

(~~27~~8) "Seasonal appointment" means an appointment to a position which is permanent in nature, but which has intermittent work periods throughout the year.

(2~~8~~9) "Service rating" means a recorded evaluation of work performance and promotional potential of an employee by his supervisor.

(~~29~~30) "Temporary appointment" means appointment to a position which is not permanent in nature, and in which employment will not exceed one thousand three hundred eight-five (1,385) hours during any twelve (12) month period. No person holding a temporary appointment may work in excess of one thousand three hundred eighty-five (1,385) hours during a twelve (12) month period of time for any one (1) department.

(3~~0~~1) "Vacation leave" means a period of exemption from work granted to employees during which time said employees shall be compensated. The term shall not include compensatory time for overtime work.

SECTION 2. That Section 67-5303, 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~~ defined as nonclassified, shall be classified employees, who are subject to this act and to the system of personnel administration which it prescribes. ~~Exempt~~ Nonclassified 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~~ nonclassified 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 voca-

tional 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 military 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 3. That Section 67-5305, Idaho Code, be, and the same is hereby amended to read as follows:

67-5305. EMPLOYEES HIRED PRIOR TO ENACTMENT OF THIS ACT. (1) Any employee of the department of health and welfare, the employment security agency, the fish and game department, the department of public assistance, the department of disaster relief and civil defense, office of emergency planning, and the state police appointed or having rights or status under the rules of the merit system, personnel system, or laws of the state of Idaho in effect prior to the enactment of this act shall be given like or equivalent status and salary under the personnel system established by this act.

(2) An employee ~~not-exempt~~ defined as classified herein, ~~nor~~ and not having rights or status as provided above, who prior to the date his department commences participation in the personnel system has served continuously for a period of six (6) months or more, and who is certified in writing by the administrative head of his department to be serving satisfactorily on such date shall be deemed to be a fully qualified employee under the Idaho personnel commission act. An employee with six (6) months or more of service, not so certified, may be:

(a) Separated, or

(b) Placed on probation for a six (6) month period commencing with the effective date of this act and at the end of probation be certified to be serving satisfactorily and be deemed a fully qualified employee under this act or, if not so certified, be separated, or

(c) Given provisional status pending the establishment of an adequate register of eligibles and shall not be continued in this status longer than thirty (30) days after establishment of an adequate register for his position.

(3) Except as provided in paragraph (1) of this section, an employee who has had less than six (6) calendar months of service on the date his department commences participation in the personnel system shall be required to pass a suitable non-competitive examination and satisfactorily complete a probationary period in order to be retained in a position.

(4) An employee who does not obtain a passing grade in the examination referred to in paragraph (3) of this section shall be separated from his position within thirty (30) days after the establishment of an adequate register of eligibles for such position.

SECTION 4. That Section 67-5309, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) A rule requiring the personnel commission, after consulting

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

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

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

(d) A rule providing for not less than biennial review by the commission of the personnel system including classification and compensation plans, policies and procedures.

(e) A rule requiring fair and impartial selection of appointees to all positions other than those ~~exempted~~ defined as nonclassified in this act, on the basis of open competitive merit examinations. An application for an examination will be accepted after the closing date of the examination from a person who was serving in the armed forces, or undergoing hospitalization of no more than one (1) year following discharge, during any period in which the examination was open; the application must be submitted within one hundred twenty (120) days of separation from the armed forces or hospitalization and prior to the expiration of the register established as a result of the examination. A disabled veteran may file an application at any time for any position for which the commission maintains a register or for which a register is about to be established, provided he or she has not already been examined twice for the same position and grade for which application is made, does not have current eligibility on that register, or is not serving in a competitive position in the same grade for which application is made. Examinations may be assembled or unassembled and may include various examining techniques such as rating of training and experience, written tests, oral interviews, recognition of professional licensing, performance tests, investigations and any other measure of ability to perform the duties of the position. Examinations shall be scored objectively. Five (5) points shall be added to the earned rating of any war veteran and the widow of any war veteran as long as she remains unmarried. Ten (10) points shall be added to the earned rating of any disabled war veteran, the widow of any disabled war veteran as long as she remains unmarried or the spouse of any disabled veteran who is physically unable to perform the work in the position to which the spouse seeks to apply the preference. Employment registers shall be established in order of final score except that the names of all five (5) point preference eligibles resulting from any merit system or civil service examination shall be placed on the register in accordance with their augmented rating, and the names of all ten (10) point preference eligibles shall

be placed at the top of the register above the names of all nonpreference eligibles. Certification of eligibility for appointment to vacancies shall be in accordance with a formula which limits selection by the hiring department from among the five (5) top ranking available eligibles plus the names of all individuals with scores identical to the fifth ranking eligible on the register; however, selective certification shall be permitted when justified by the hiring department, under rules to be made by the commission defining adequate justification based on the duties and requirements of the position. Such examinations need not be held until after the rules have been adopted, the service classified and a pay plan established, but shall be held not later than one (1) year after departments commence participation in the personnel system.

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

(g) A rule for development and maintenance of a system of service ratings and the use of such ratings by all departments in connection with promotions, demotions, retentions, separations and reassignments. The rule shall require that an evaluation of each classified employee shall be made after each two thousand eighty (2,080) hour period of credited state service, and that a copy of the evaluation shall be filed with the commission.

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

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

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

(k) A rule concerning provisional appointments.

(l) A rule concerning temporary appointments.

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

(n) A rule for the discharge or reduction of rank or grade or

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

1. Failure to perform the duties and carry out the obligations imposed upon him by the state constitution, state statutes, rules and regulations of his department, or rules and regulations of the personnel commission.
2. Inefficiency, incompetency, or negligence in the performance of duties.
3. Physical or mental incapability for performing assigned duties.
4. Refusal to accept a reasonable and proper assignment from an authorized supervisor.
5. Insubordination or conduct unbecoming a state employee or conduct detrimental to good order and discipline in his department.
6. Intoxication on duty.
7. Careless, negligent, or improper use or unlawful conversion of state property, equipment or funds.
8. Use of any influence which violates the principles of merit system in an attempt to secure a promotion or privileges for individual advantage.
9. Conviction of official misconduct in office, or conviction of any felony, or conviction of any other crime involving moral turpitude.
10. Acceptance of gifts in exchange for influence or favors given in his official capacity.
11. Habitual pattern of failure to report for duty at the assigned place and time.
12. Habitual improper use of sick leave privileges.
13. Unauthorized disclosure of confidential information from official records.
14. Absence without leave.
15. Misstatement or deception in his application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing his duties.
17. Prohibited participation in political activities.

(o) A rule to establish procedures for maintenance of a record of the employment history and appropriate information relating to performance of all employees under the personnel system.

(p) Rules to provide for recruitment programs in cooperation with department heads and the employment security agency in keeping with current employment conditions and labor market trends.

(q) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(r) Other rules not inconsistent with the foregoing provisions of this section as may be necessary and proper for the administration and enforcement of this act.

(s) A rule concerning "project exempt" appointments.

(t) Rules relating to leave for state employees from official

duties, including but not limited to sick leave, military leave, jury duty, leaves of absence without compensation and such other forms of absence from performance of duties in the course of state employment as may be necessary.

(u) An interim rule providing, notwithstanding any other provision of this chapter, for developing equivalent standards of measurement for all references in this chapter to hours for those agencies which have not converted to the biweekly payroll system.

SECTION 5. That Section 67-5311, Idaho Code, be, and the same is hereby amended to read as follows:

67-5311. LIMITATION OF POLITICAL ACTIVITY. (1) No classified employee of a state department covered by this act~~, except those hereinbefore exempt,~~ shall:

(a) Use his official authority or influence for the purpose of interfering with an election to or a nomination for office, or affecting the result thereof, or

(b) Directly or indirectly coerce, attempt to coerce, command, or direct any other such officer or employee to pay, lend, or contribute any part of his salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purposes.

(2) No such officer or employee shall take any active part in political organization management. All such employees shall retain the right to:

(a) Register and vote in any election;

(b) Express ~~his~~ an opinion as an individual privately and publicly on political subjects and candidates;

(c) Display a political picture, sticker, badge, or button;

(d) Participate in the nonpartisan activities of a civic, community, social, labor, or professional organization, or of a similar organization;

(e) Be a member of a political party or other political organization and participate in its activities;

(f) Attend a political convention, rally, fund-raising function, or other political gathering;

(g) Sign a political petition as an individual;

(h) Make a financial contribution to a political party or organization;

(i) Take an active part, in support of a candidate, in an election;

(j) Be politically active in connection with a question which is not specifically identified with a political party, such as a constitutional amendment, referendum, approval of a municipal ordinance or any other question or issue of a similar character;

(k) Serve as an election judge or clerk, or in a similar position to perform nonpartisan duties as prescribed by state or local law; and

(l) Otherwise participate fully in public affairs, except as prohibited by law, in a manner which does not materially compromise the neutrality, efficiency, or integrity of ~~his~~ the employee's

administration of state functions.

SECTION 6. That Section 67-5328, Idaho Code, be, and the same is hereby amended to read as follows:

67-5328. OVERTIME COMPENSATION -- ELIGIBILITY. The appointing authority of any department shall determine the necessity for overtime work and shall provide for cash compensation or compensatory time off for such overtime work for eligible classified officers and employees, subject to the restrictions of applicable federal law.

SECTION 7. That Section 67-5329, Idaho Code, be, and the same is hereby amended to read as follows:

67-5329. CASH FOR OVERTIME -- COMPENSATORY TIME. (1) Classified officers and employees who fall within one or more of the following categories are ineligible for cash compensation or compensatory time for overtime work:

(a) ~~If he holds an elective office~~ Elected officials;

(b) ~~If he h~~Holders of an office or position for which confirmation by the senate is required;

(c) ~~If he is a d~~Departmental directors, or equivalent;

(d) ~~If he is a d~~Division administrators, or equivalent;

(e) ~~If--he--is~~ Those included in the definition of section 67-5303(i), Idaho Code.

(2) Classified employees who ~~fall within the--definition--of~~ are designated as executive, administrative or professional, as provided in section 67-5302, Idaho Code, or who are designated as exempt under any other complete exemption in federal law, and who are not included in the definition of subsection (1) above, shall be ineligible for cash compensation for overtime work unless cash payment is authorized by the state board of examiners for overtime accumulated during unusual or emergency situations, but such classified employees shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, shall not be transferable, and shall be forfeited at the time of transfer to another appointing authority or upon separation from state service.

(3) Classified employees who ~~do not meet the--definition--of~~ are not designated as executive, administrative or professional as provided in section 67-5302, Idaho Code, who are not designated as exempt under any other complete exemption in federal law, and who are not included in the definition of subsection (1) above, shall be eligible for cash compensation or compensatory time off from duty for overtime work, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close

of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

SECTION 8. That Section 67-5331, Idaho Code, be, and the same is hereby amended to read as follows:

67-5331. OVERTIME COMPENSATION -- WHEN PAID. Except as provided for in section 67-5329, Idaho Code, compensation for authorized overtime work shall be made at the completion of the pay period next following the pay period in which the overtime work occurred and shall be added to the regular salary payment.

SECTION 9. That Section 59-1601, Idaho Code, be, and the same is hereby amended to read as follows:

59-1601. APPLICABILITY. The provisions of this chapter shall be applicable to those nonclassified officers and employees in the several executive agencies of state government ~~who-are--exempted--from the-classified-service-requirements-of~~ as defined in chapter 53, title 67, Idaho Code, to the officers and employees of any executive department when designated in this chapter and, where specifically indicated, to the officers and employees of the legislative department.

SECTION 10. 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~~ Elected officials;

(b) ~~If--he--h~~Holders of an office or position for which confirmation by the senate is required;

(c) ~~If-he-is-a-d~~Departmental directors, or equivalent;

(d) ~~If-he-is-a-d~~Division administrators, or equivalent;

(e) ~~If--he--is~~ Those 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~~ are designated as executive, administrative or professional as provided in section 67-5302, Idaho Code, or who are designated as exempt under any other complete exemption in federal law, 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~~ are not designated as executive, administrative or professional as provided in section 67-5302, Idaho Code, who are not designated as exempt under any other complete exemption in federal law, and who 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, subject to the restrictions of applicable federal law. Compensatory time off may be provided in lieu of cash compensation at the discretion of the appointing authority after consultation, in advance, with the employee. Compensatory time off shall be paid at the rate of one and one-half (1 1/2) hours for each overtime hour worked. Compensatory time off which has been earned during any one-half (1/2) fiscal year but not taken by the end of the succeeding one-half (1/2) fiscal year, shall be paid in cash on the first payroll following the close of such succeeding one-half (1/2) fiscal year. Compensatory time not taken at the time of transfer to another appointing authority or upon separation from state service shall be liquidated at the time of such transfer or separation by payment in cash.

SECTION 11. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after April 15, 1986.

Approved April 1, 1986.

CHAPTER 134
(S.B. No. 1295)

AN ACT

RELATING TO THE PERSONNEL SYSTEM; AMENDING SECTION 67-5304, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONNEL ACTIONS REQUIRE THE APPROVAL OF THE ADMINISTRATOR OF THE DIVISION OF FINANCIAL MANAGEMENT; REPEALING SECTION 67-5315, IDAHO CODE; AMENDING SECTION 67-5309A, IDAHO CODE, TO REDESIGNATE AS SECTION 67-5315, IDAHO

CODE, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 67-5316, IDAHO CODE, TO PROVIDE PROCEDURES FOR APPEAL TO THE PERSONNEL COMMISSION AND ITS HEARING OFFICER; REPEALING SECTION 67-5317, IDAHO CODE; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5317, IDAHO CODE, TO PROVIDE PROCEDURES FOR A PETITION OF REVIEW; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5318, IDAHO CODE, TO PROVIDE FOR APPEAL TO THE DISTRICT COURT; AND AMENDING SECTION 67-429, IDAHO CODE, TO PROVIDE FOR ADDITIONAL POWERS AND DUTIES OF THE LEGISLATIVE COUNCIL.

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

SECTION 1. That Section 67-5304, Idaho Code, be, and the same is hereby amended to read as follows:

67-5304. EXISTING MERIT SYSTEMS AND PERSONNEL SYSTEMS. (1) Departments of the state whose personnel administration is governed by the merit system council and the public assistance personnel council shall continue to be so governed and administered, and shall not be participating departments in the personnel system established by this act, until the plans established under this act are determined acceptable by departments under these merit systems and until all departments not under such system are covered by this act. At such time, but no later than June 30, 1967, such systems shall cease to be in effect and operative and departments governed by them shall become participating departments in the personnel system established by this act. At such time, all records and equipment of the merit system council and the public assistance personnel council shall be transferred to the commission, giving each of the eligible contributing departments credit for reasonable market value of the office equipment transferred. Credit shall be issued back to the contributing departments at the same ratio as it was paid in.

(2) The personnel system administered by the personnel commission created by this act is hereby designated as the "merit system," "civil service system" or "personnel system" as may be required by any other section of the Idaho Code for the administration of any department covered by this act; and all laws in conflict in whole or in part with the provisions of this act are hereby repealed to the extent of such conflict or inconsistency, provided, however, that in the implementation of this act those portions of chapter 35, title 67, Idaho Code, requiring approval of the administrator of the division of financial management of increase in compensation for any state employee, shall not be held to apply to employees covered under this act, but all departments whose salaries and administrative costs come from state appropriations shall prepare and file the reports and estimates in the office of the administrator of the division of financial management in accordance with chapter 35, title 67, Idaho Code, and personnel compensation thereunder shall not be effective until approved as being within the state budget limitations of the respective department.

SECTION 2. That Section 67-5315, Idaho Code, be, and the same is

hereby repealed.

SECTION 3. That Section 67-5309A, Idaho Code, be, and the same is hereby amended to read as follows:

67-5309A15. 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~~ vacation leave, sick leave, disciplinary 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 a disciplinary dismissal, suspension 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~~ the 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~~ the right to proceed pursuant to the grievance procedure nor of ~~his~~ the 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~~ 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~~ the 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~~ the employee's own choosing at each step of the procedure, except the initial informal discussion with ~~his~~ the immediate supervisor.

SECTION 4. That Section 67-5316, Idaho Code, be, and the same is hereby amended to read as follows:

67-5316. APPEAL PROCEDURE ~~BEFORE-THE-IDAHO-PERSONNEL--COMMISSION. (a)--Any--classified--employee-who-is-discharged,-demoted-or-suspended after-completing-his--probationary--period--of--service,--may,--within thirty-(30)-days-after-such-discharge,-demotion,-or-suspension,-appeal to--the--commission-for-review-thereof.-Any-employee-in-the-classified service-may,-after-exhausting-the-review-procedures-established-within his-department,-petition-the-commission-for-review-of--his--allocation to-a-particular-class-of-position.-Upon-such-review,-both-the-employee and--the--appointing-authority-whose-action-is-reviewed-shall-have-the right-to-be-heard-publicly-and-present-evidentiary-facts.--Such--hearings--shall--be-conducted-in-accordance-with-the-procedure-established by-rules-adopted-pursuant-to-chapter-52,-title-67,-Idaho-Code.

(b)--Matters-of-dispute-which-may-be-brought-before-the-commission for-hearing-and-decision-shall-be-limited-to-the-discharge,--reduction in-rank-or-grade,-suspensions,-allocation-to-a-particular-class-of-any classified--employee-who-has-completed-his-probationary-period;-or-any decision-of-action-taken-by-the-state-personnel-director-or--staff--of the--Idaho--personnel--commission-in-the-performance-of-their-official duties;-or-the-failure-of-an-appointing--authority--to--provide--to--a classified--employee--of-the-state-a-right-and/or-benefit-to-which-the employee-is-entitled-by-law;-and-such-other--matters--as--may--now--or hereafter--be--assigned-to-it-by-law.~~ (1) Appeals shall be limited to the following:

(a) Any classified employee who has successfully completed the entrance probationary period may, after completing the departmental grievance procedure, appeal a disciplinary dismissal, demotion or suspension, or classification.

(b) Any classified employee may, after completing the departmental grievance procedure, appeal the failure of an appointing authority to provide a right and/or benefit to which the employee is entitled by law.

(c) Any interested person may appeal any decision or action taken by the state personnel director or staff of the Idaho personnel commission in the performance of their official duties.

(d) Any interested person may appeal any other matters as may now or later be assigned to the commission by law.

(2) The decision or action of the appointing authority shall be final and conclusive unless a classified employee files an appeal

within thirty-five (35) days after completing the departmental grievance procedure concerning the actions referred to in subsection (1)(a), (b), (c) and (d) of this section. A decision of the personnel commission director or staff shall be final and conclusive as to any other interested person unless an appeal is filed within thirty-five (35) days of written notice of that decision.

(3) The commission shall assign the matter for hearing to a duly appointed hearing officer, who may be a member of the commission.

(~~c~~4) Where the action in dispute was the discharge, demotion, or suspension, upon determination that proper cause did not in fact exist within the definitions set forth in section 67-5309(n), Idaho Code, or that the action was taken by reason of ~~race, creed or sex~~ illegal discrimination, the commission or the hearing officer shall order the reinstatement of the employee ~~to his former~~ in the same position or a position of like status and pay, with or without loss of pay for the period of ~~his~~ discharge, demotion, or suspension, or may order such other remedy as ~~the commission~~ may be determined to be appropriate. In all other disputed matters, the commission ~~shall affirm the decision of the appointing authority or~~ and the hearing officer may order such action as may be appropriate.

(~~d~~5) Process and procedure under this act shall be as summary and simple as reasonably may be. The ~~commission, or any member thereof or any presiding~~ hearing officer appointed by the commission~~,~~ shall have the power to subpoena witnesses, administer oaths, and ~~to~~ examine such of the books and records of the parties to a proceeding as relate to the questions in dispute. A verbatim record of the proceedings at hearings before the commission or a hearing officer shall be maintained either by electrical devices or by stenographic means, as the commission or hearing officer may direct, but if any party to the action requests a stenographic record of the proceedings, the record shall be done stenographically. The requesting party shall pay the costs of ~~reporting~~ transcribing the proceedings.

The district court, in and for the county in which any proceedings before the Idaho personnel commission are held, shall have the power to enforce by proper proceedings the attendance and testimony of witnesses, and production and examination of books, papers, and records.

(~~e~~6) If the parties reach an agreement in regard to the matters of dispute, a memorandum of the agreement shall be filed with the commission and, if approved by it, ~~thereupon~~ the memorandum shall be enforceable for all purposes ~~be enforceable under the provisions of paragraph (j).~~

~~(f) If the matters in dispute are not settled by agreement, the commission may, upon its own motion, or upon the application of any party to the proceedings, hear the matter or assign it for hearing by a member of the commission or a duly appointed presiding officer.~~

(~~g~~7) The ~~commission~~ hearing officer shall give written notice of the time and place of hearing, either by personal service or by ~~registered~~ mail. Service by mail shall be deemed complete when a copy of such notice is deposited in the United States post office, with postage prepaid, addressed to a party's ~~at his~~ last known address, as shown in the records and files of the commission. ~~Evidence of service by~~ An affidavit of personal service shall be filed by the person

making the same ~~shall-be-filed-with-the-commission.~~

(~~h~~8) The ~~commission,--or--member--of-the-commission-or-presiding~~ hearing officer to whom the matter has been assigned~~,~~ shall make such inquiry and investigations as shall be deemed necessary. The hearings shall be held in such place as the ~~commission~~ hearing officer may designate. ~~and-t~~The decision of the ~~commission,-or-the-decision-of-the member-of-the-commission-or-presiding~~ hearing officer ~~to-whom-the-matter--may--have--been--assigned,~~ consisting of such findings of fact, conclusions of law and orders as are necessary, together with the ~~transcript-of-the-evidence,-findings-of-fact,-rulings-of-law,-decision and--order,--and--any--other-matter-pertinent-to-the-questions-arising during-the-hearing~~ record of the proceedings, shall be filed in the office of the Idaho personnel commission. A copy of the ~~findings-of fact,-rulings-of-law,-and~~ hearing officer's decision ~~and--order~~ shall be immediately sent to the parties by United States mail. ~~If-the-matter-has-been-assigned-for-hearing-by-a-member-of-the-commission--or--a duly--appointed--presiding--officer,--and-a-petition-for-review-is-not filed-by-any-party-to-the-proceedings-within-thirty--(30)--days--after his--decision--and-order-is-filed,-the-member's-or-presiding-officer's decision-shall-be-the-decision-and-order-of-the-commission--and--shall be-enforceable-under-the-provisions-of-paragraph-(j).~~

~~(i)--If--a-petition-for-review-is-filed,-the-commission-shall-hear the-parties-and-may-hear-the-evidence-in-regard-to-any-or-all--matters pertaining--thereto,--and--may--revise--the--decision-and-order-of-the member-or-presiding-officer,-in-whole-or-in-part,-and-shall--file--its decision--and-order-with-the-records-of-the-proceedings-and-notify-the parties-thereof.-Neither--party--shall,--as--a--matter--of--right,--be entitled--to--a-second-hearing-upon-any-question-of-fact.~~ The decision of the hearing officer shall be final and conclusive between the parties, unless a petition for review is filed with the commission within thirty-five (35) days. The petition for review shall specifically cite the alleged errors of fact or law made by the hearing officer.

(~~j~~9) Any party in interest may file in the district court for the county in which any party to the proceedings resides, a certified copy of the final decision of the ~~commission,-and~~ hearing officer, which the district court shall have the power to enforce by proper proceedings ~~the-decision-and-order-of-the-commission.~~

(~~k~~10) ~~A--decision--and-order-of-the-commission-shall-be-final-and conclusive-between-the-parties,-unless-within-thirty-(30)-days-of--the filing--of--such-decision,-either-party-appeals-to-the-district-court.~~ Where the decision and order of the ~~commission~~ hearing officer directed the reinstatement of an employee, the employee shall be reinstated upon receipt of a copy of the decision ~~and-order~~ unless a ~~stay of-the-order-be-granted-by-the-district-court-upon-proper~~ petition for review is filed.

~~(l)--Upon-appeal-of-a-decision-of--the--commission,--the--district court--may--affirm-or-set-aside-such-order-or-remand-the-matter-to-the commission-only-upon-the-following-grounds,-and-shall-not-set-the-same aside-on-any-other-or-different-grounds,-to-wit:~~

~~(1)--That-the-findings-of-fact-are-not-based--on--any--substantial competent-evidence;~~

~~(2)--That--the--commission--has--acted--without-jurisdiction-or-in~~

~~excess-of-its-powers;~~

~~(3)--That-the-findings-of-fact-by-the-commission-do-not-as-a--matter-of-law-support-the-decision-and-order.~~

SECTION 5. That Section 67-5317, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5317, Idaho Code, and to read as follows:

67-5317. PETITION FOR REVIEW PROCEDURE. (1) If a petition for review is filed, the commission shall review the record of the proceeding before the hearing officer, briefs submitted in accordance with any briefing schedule it orders, and any transcripts submitted of the hearing below. The commission may grant the parties the opportunity to present oral argument, but need not do so if the record clearly shows that the commission or the hearing officer lacks jurisdiction over the appeal or petition for review. The personnel commission may affirm, reverse or modify the decision of the hearing officer, may remand the matter, or may dismiss it for lack of jurisdiction.

(2) Any party in interest may file in the district court for the county in which any party to the proceedings resides, a certified copy of the decision of the commission, which the district court shall have the power to enforce by proper proceedings.

(3) A decision of the commission shall be final and conclusive between the parties, unless within forty-two (42) days of the filing of such decision either party appeals to the district court. Where the decision of the commission directed the reinstatement of an employee, the employee shall be reinstated upon receipt of a copy of the decision unless a stay of the order be granted by the district court upon proper petition.

SECTION 7. That Chapter 53, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5318, Idaho Code, and to read as follows:

67-5318. APPEAL TO DISTRICT COURT. Upon the appeal of a decision of the commission, the district court may affirm, or set aside and remand the matter to the commission upon the following grounds, and shall not set the same aside on any other grounds:

(1) That the findings of fact are not based on any substantial, competent evidence;

(2) That the commission has acted without jurisdiction or in excess of its powers;

(3) That the findings of fact by the commission do not as a matter of law support the decision.

SECTION 8. That Section 67-429, Idaho Code, be, and the same is

hereby amended to read as follows:

67-429. POWERS AND DUTIES. (1) It shall be the duty of the council to collect and compile information, to draft bills and to conduct research upon any subject which the legislature may authorize or direct or upon any subject which it may determine, provided that all activities of the council must be reasonably related to a legislative purpose. The legislature may make specific assignments to the council by a concurrent resolution approved by both houses.

(2) The council may hold public hearings and it may authorize or direct any of its committees to hold public hearings on any matters within the jurisdiction of the council.

(3) The council shall establish and maintain a legislative reference library.

(4) For the purpose of conducting any study within the jurisdiction of the council, by resolution adopted by the affirmative vote of two-thirds (2/3) of the entire membership of the council, the chairman of the council may subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence or other documents or records which the council deems relevant or material to any matter on which the council or any committee is conducting a study.

(5) It shall be the duty of the council to superintend and administer the legislative space in the capitol building at all times, and to prepare such space when required for the sessions of the legislature, which shall include the provision of furniture and equipment.

(6) The legislative council shall review and make recommendations to the personnel commission on all aspects of the personnel system, including policies, wages and salaries.

Approved April 1, 1986.

CHAPTER 135
(S.B. No. 1303)

AN ACT

RELATING TO TRAILER AND SEMITRAILER REGISTRATION; AMENDING SECTION 49-127, IDAHO CODE, TO ALLOW AN EXTENDED REGISTRATION PROVIDED OWNERSHIP STATUS DOES NOT CHANGE AND CHANGES THE REGISTRATION FEE.

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. (a) For the purpose of this section, the following definitions shall be applicable:

1. A commercial vehicle means a vehicle or combination of vehi-

cles of a type used or maintained for the transportation of persons for hire, compensation or profit, or the transportation of property for the owner of the vehicle, or 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 shall include drilling rigs, construction, drilling and wrecker cranes, and similar vehicles which are normally operated in an overweight or oversize condition or both, but shall not include those vehicles registered pursuant to section 49-126, Idaho Code, or exempted by section 49-108, Idaho Code.

2. A farm vehicle means a vehicle or combination of vehicles owned by a farmer or rancher, which are operated over public highways, and used exclusively to transport unprocessed agricultural, dairy or livestock products raised, owned and grown by the owner of that vehicle to market or place of storage; and shall include the transportation by the farmer or rancher of any equipment, supplies or products purchased by that 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 the farm, or when used partly in transporting agricultural supplies, equipment, materials or livestock to the farm of another farmer for use or consumption on the farm but not transported for hire, and shall not include vehicles of husbandry or vehicles registered pursuant to section 49-126, Idaho Code.

3. A noncommercial vehicle shall not include those vehicles required to be registered under section 49-126, Idaho Code, and means all other vehicles or combinations of vehicles which are not commercial vehicles or farm vehicles as defined in this section. A noncommercial vehicle 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. When a vehicle against which the registration or use fee is assessed is a combination of vehicles, the term maximum gross weight means the combined maximum gross weights of all vehicles in the combination.

(b) There shall be paid on all commercial vehicles, 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. Upon payment of the 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.

Maximum Gross Weight (Pounds)	Annual Registration Fee	
	Noncommercial and Farm Vehicles	Commercial Vehicles
8,001-16,000 inc.	$ 30.60	$ 30.60
16,001-26,000 inc.	60.60	143.40
26,001-30,000 inc.	91.20	223.80

30,001-40,000 inc.	129.60	291.90
40,001-50,000 inc.	187.80	360.00
50,001-60,000 inc.	311.40	515.40

(c) 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). Upon payment of the 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.

1. 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 the license fees, the department shall issue license plates for the appropriate year; or

2. For a fee of seventy-five dollars ($75.00) the department may issue a trailer or semitrailer license plate that shall remain valid for a period of fifteen (15) years. The license plate shall become void if the owner's interest in the trailer or semitrailer changes during the fifteen (15) year period. If the owner fails to enter the licensed trailer or semitrailer on the annual renewal application during the fifteen (15) year period, the registration record shall be carried forward for one (1) year and then the record shall be purged.

(d) In addition to the registration and license fees provided by subsections (b) and (c), 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 following schedule. The use fees shall be based on mills per mile of operation, subject to the provisions of subsection (g) of this section.

Maximum Gross Weight of Vehicle (Pounds)	Mills per Mile
60,001-62,000	30.05
62,001-64,000	31.35
64,001-66,000	32.60
66,001-68,000	33.90
68,001-70,000	35.15
70,001-72,000	36.40
72,001-74,000	38.55
74,001-76,000	40.65
76,001-78,000	42.75
78,001-80,000	44.90

(e) In addition to the registration and license fees of this section, there shall be paid on all noncommercial vehicles, farm vehicles, and any commercial vehicle exclusively engaged in the transportation of logs, pulp wood, stull, poles, piling, rough lumber, ores, ore concentrates, sand and gravel aggregates in bulk, 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 of 22.45 mills per mile.

(f) If any motor vehicle, trailer or semitrailer, or combinations thereof, is authorized under the provisions of section 49-916, Idaho Code, to move on the highways of the state, and the vehicle exceeds the maximum gross weight of eighty thousand (80,000) pounds, then and in that event there shall be paid for that vehicle, in addition to the other fees required in this section, an additional use fee of 2.1 mills per mile for each two thousand (2,000) pounds or fraction thereof of the permitted excess weight.

(g) An applicant for registration of a commercial vehicle, a non-commercial vehicle or a farm vehicle shall set forth the maximum gross weight of the vehicle or combination of vehicles and the applicant shall pay any annual registration fees and any annual license fees on trailers and semitrailers required at the time he makes application for registration subject to the provisions of subsections (b) and (c). No part of the registration or license fees shall be subject to refund. The use fee payment required shall be computed according to the schedule in either subsection (d) or (e) 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 the use fee, if any, for the three (3) calendar months immediately prior. In determining the mileage subject to the use fee, there shall be deducted the miles traveled on roadways maintained with private funds by agreement with the public agency or agencies having jurisdiction over them. In no event shall the total money credited to the owner for the mileage exceed the actual cost of maintenance expended by him.

(h) The license, registration and use fees of this section shall not be applicable to trailers registered pursuant to section 49-126, Idaho Code.

Approved April 1, 1986.

CHAPTER 136
(S.B. No. 1321, As Amended in the House)

AN ACT

RELATING TO THE DISPOSAL OF ABANDONED OR UNCLAIMED PROPERTY; AMENDING SECTION 55-403, IDAHO CODE, TO SPECIFY THE TIME CERTAIN PROPERTY MUST BE HELD BEFORE DISPOSAL AT PUBLIC AUCTION; AND AMENDING CHAPTER 4, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-403A, IDAHO CODE, TO SPECIFY SPECIAL PROVISIONS FOR THE DISPOSAL OF FIREARMS, AND TO PROVIDE FOR DISPOSAL OF OTHER ITEMS.

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

SECTION 1. That Section 55-403, Idaho Code, be, and the same is hereby amended to read as follows:

55-403. ABANDONED OR UNCLAIMED PROPERTY IN POSSESSION OF SHERIFF OR CITY POLICE DEPARTMENT -- SALE AT PUBLIC AUCTION. Any personal property which may have come into possession or custody of the sheriff of any county in this state or city police department of any city in this state by reason of the same having been abandoned, or impounded, or otherwise left with the sheriff or city police department, or if originally taken into custody under legal process, such process has been lawfully released or discharged from the attachment or other process under which it was taken into custody and which remains unclaimed or unredeemed by the owner or one entitled to possession thereof for more than six (6) months from the date of such abandonment, impoundment, leaving, or release from attachment or other process under which the same was originally taken into custody, as the case may be, shall be subject to sale by the sheriff or city police department at public auction for cash on not less than five (5) or more than ten (10) days' notice, the conduct and notice of which sale shall be given and had in conformity with sales on execution; provided, however, that prior to public auction, bicycles need only be unclaimed or unredeemed by the owner or one entitled to possession for more than ninety (90) days and that personal property with a fair market value of less than twenty-five dollars ($25.00) need only be unclaimed or unredeemed by the owner or one entitled to possession for more than thirty (30) days. Further provided, ~~however,~~ that whenever the sheriff or city police department has knowledge of the name and address of the owner or one entitled to possession, a copy of such notice of sale be mailed to such owner or one entitled to possession, with postage prepaid, at least five (5) days prior to such sale; as many items of personal property may be noticed for sale and sold at the same sale as the sheriff or city police department may deem advisable, and said property may be sold singly or in lots or as a whole as the sheriff or city police department may determine. The sheriff or city police department shall give a bill of sale to the highest bidder upon payment of the amount bid upon payment of the bid price.

SECTION 2. That Chapter 4, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 55-403A, Idaho Code, and to read as follows:

55-403A. DISPOSAL OF FIREARMS -- DISPOSAL OF OTHER ITEMS. (1) Firearms to be disposed of by a public agency in accordance with the provisions of section 55-403, Idaho Code, shall be disposed of by any of the following methods:

(a) Unusable or unsafe weapons may be scrapped by melting or other method of destruction.

(b) Sale to an authorized firearm dealer by sealed or open bids.

(c) Converted to public agency ownership for official law enforcement purposes.

(2) Items other than firearms to be sold at public auction in accordance with section 55-403, Idaho Code, may be temporarily converted to official use by public law enforcement personnel provided:

(a) An actual or appraised value is determined for each item con-

verted; and
(b) Procedures and records are maintained as to location, use and final disposition of each item.

Approved April 1, 1986.

CHAPTER 137
(S.B. No. 1333)

AN ACT

RELATING TO FIRE PROTECTION DISTRICTS; AMENDING SECTION 31-1403, IDAHO CODE, TO PROVIDE THAT PETITIONS FOR FORMATION OF A FIRE PROTECTION DISTRICT SHALL BE PRESENTED TO THE BOARD OF COUNTY COMMISSIONERS OF EACH COUNTY IN WHICH THE DISTRICT IS TO BE SITUATED; AMENDING SECTION 31-1404, IDAHO CODE, TO PROVIDE FOR COORDINATION OF HEARINGS AND NOTICES IF A FIRE PROTECTION DISTRICT IS PROPOSED IN TWO OR MORE COUNTIES; AMENDING SECTION 31-1405, IDAHO CODE, TO PROVIDE THAT THE DATE OF AN ELECTION SHALL BE THE SAME IN ALL COUNTIES IN WHICH A FIRE PROTECTION DISTRICT IS PROPOSED TO BE FORMED; AMENDING SECTION 31-1406, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF ELECTION OFFICIALS; AMENDING SECTION 31-1407, IDAHO CODE, TO PROVIDE FOR THE CANVASS AND ANNOUNCEMENT OF VOTES IN AN ELECTION, AND TO PROVIDE THAT A VOTE AGAINST FORMATION IN ONE COUNTY VOIDS THE ORGANIZATION IN ALL COUNTIES; AMENDING SECTION 31-1408, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF THE FIRST MEMBERS OF A BOARD; AMENDING SECTION 31-1409, IDAHO CODE, TO PROVIDE FOR SUBDIVISIONS WITHIN A DISTRICT; AMENDING SECTION 31-1432, IDAHO CODE, TO PROVIDE THAT COSTS SHALL BE DEPOSITED WITH EACH COUNTY; AND AMENDING SECTION 31-1435, IDAHO CODE, TO PROVIDE FOR THE COORDINATION OF HEARINGS AND NOTICES IF A FIRE PROTECTION DISTRICT IS TO BE DISSOLVED, TO PROVIDE FOR THE CANVASS AND ANNOUNCEMENT OF VOTES IN AN ELECTION, AND TO PROVIDE THAT A VOTE AGAINST DISSOLUTION IN ANY COUNTY VOIDS THE DISSOLUTION IN ALL COUNTIES.

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

SECTION 1. That Section 31-1403, Idaho Code, be, and the same is hereby amended to read as follows:

31-1403. PETITION. A petition shall first be presented to the board of county commissioners and filed with the clerk of the board of commissioners of ~~the~~ each county in which the proposed fire protection district is to be situated, signed by the number of holders of title, or evidence of title specified in section 31-1402, Idaho Code, which petition shall plainly and clearly designate the boundaries of the proposed fire protection district, and shall state the name of the proposed district, and shall be accompanied by a map thereof. The petition, together with all maps and other papers filed therewith shall, at all proper hours, be open to public inspection in the office of said clerk of the board of commissioners between the date of their

said filing and the date of the election. The petition may be in one (1) paper or in several papers.

SECTION 2. That Section 31-1404, Idaho Code, be, and the same is hereby amended to read as follows:

31-1404. NOTICE OF HEARING OF PROTEST. When such petition is presented to the board of county commissioners and filed in the office of the clerk of such board, the said board shall set a time for a hearing upon such petition, which time shall not be less than four (4) nor more than six (6) weeks, from the date of the presentation and filing of such petition. A notice of the time of such hearing shall be published by said board, once each week for three (3) successive weeks previous to the time set for such hearing, in a newspaper published within ~~the~~ each county in which said district is to be situated. Said notice shall state that a fire protection district is proposed to be organized, giving the proposed boundaries thereof, and that any taxpayer within the proposed boundaries of such proposed district may on the date fixed for such hearing appear and offer any objection to the organization of such district, the proposed boundaries thereof or the including or excluding of any real property therein or therefrom. After hearing and considering any and all objections, if any such be interposed, the county commissioners shall thereupon make and order thereon either denying such petition or granting the same, with or without modification, and shall accordingly fix the boundaries of such proposed district in any order granting such petition. The boundaries so fixed shall be the boundaries of said district after its organization be completed as provided by this ~~act~~ chapter, and a map showing the boundaries of such proposed district as finally fixed and determined by the board of county commissioners shall be prepared and filed in the office of the clerk of said board.

If the district is to be situated in two (2) or more counties, each board of county commissioners shall coordinate the hearing date and the publications of notice so that only one (1) hearing need be held. Unless otherwise agreed to by each board of county commissioners involved, the hearing shall be held in the county with the largest area to be included within the district, and the boards of county commissioners are hereby specifically authorized to act in a joint manner for such purposes.

SECTION 3. That Section 31-1405, Idaho Code, be, and the same is hereby amended to read as follows:

31-1405. NOTICE OF ELECTION. After the county commissioners have made their order finally fixing and determining the boundaries of the proposed district, the clerk of the board of county commissioners shall cause to be published a notice of an election to be held in such proposed fire protection district for the purpose of determining whether or not the same shall be organized under the provisions of this ~~act~~ chapter. Such notice shall plainly and clearly designate the boundaries of such proposed fire protection district, and shall state the name of the proposed district as designated in the petition and

shall state that a map showing the boundaries of said district is on file in his office.

Such notice shall be published once in each week for three (3) successive publications prior to such election, in a newspaper published within the county aforesaid. Such notice shall require the electors to cast ballots which shall contain the words ".... fire protection district, yes," or ".... fire protection district, no" or words equivalent thereto. No person shall be entitled to vote at any election held under the provisions of this ~~act~~ chapter unless he shall possess all the qualifications required of electors under the general laws of the state, and be a resident of the proposed district.

If the district is to be situated in two (2) or more counties, the boards of county commissioners shall provide that the election be held on the same day in each county.

SECTION 4. That Section 31-1406, Idaho Code, be, and the same is hereby amended to read as follows:

31-1406. ELECTION -- QUALIFICATION OF ELECTORS -- CANVASS. Such election shall be conducted as nearly as practicable in accordance with the general laws of the state, except that the provisions of the election laws as to the form and distribution of ballots shall not apply, and no previous registration shall be necessary. The board of county commissioners shall establish as many election precincts within such proposed fire protection district as may be necessary, and define the boundaries thereof, which said precincts may thereafter be changed by the fire protection board of such district in case such district be organized. There shall be added to the usual electors oath, in case of challenge, the following words: "And I have been a resident within the boundaries of the proposed fire protection district for thirty (30) or more days next preceding the election." ~~Said~~ Each board of county commissioners shall also appoint three (3) judges of election for each such election precinct, who shall perform the same duties, as near as may be, as judges of election under the general laws of the state; and the result of such election shall be certified, and canvassed and declared by the board of county commissioners.

SECTION 5. That Section 31-1407, Idaho Code, be, and the same is hereby amended to read as follows:

31-1407. CANVASS BY BOARD OF COMMISSIONERS -- VALIDITY OF ORGANIZATION. Immediately after any election for voting upon the organization of a fire protection district, the judges of said election shall forward the official results of said election to the clerk of said board of commissioners. The said board of commissioners shall meet within ten (10) days after said returns are received and shall proceed to canvass the votes cast at such election, and if, upon canvass, it shall appear that one-half (1/2) or more of said votes are ".... fire protection district, no," then a record of that fact shall be duly entered upon the minutes of said board, and all proceedings in regard to the organization of said district shall be void. If, however, it shall appear upon such canvass, that more than one-half (1/2) of the

votes cast are ".... fire protection district, yes," the said board shall, by order entered on its minutes, declare such territory duly organized as a fire protection district under the name designated in the petition. After the election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number of qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of such orga~~i~~nization after six (6) months from and after the making and entering of the order provided for in this section. Such board shall cause one (1) copy of such order, duly certified, to be filed for record in the office of the county recorder of the county in which said district is situated and shall transmit to the governor one (1) certified copy thereof.

From and after the date of such filing of said order of the board of county commissioners declaring such territory duly organized as a fire protection district, the organization of such district shall be complete.

If the district is to be situated in two (2) or more counties, the boards of county commissioners shall coordinate the canvass of the votes cast and make one (1) joint announcement. If a majority of the votes cast in any county are against the formation of the district, such rejection shall void the organization of the district in all counties.

SECTION 6. That Section 31-1408, Idaho Code, be, and the same is hereby amended to read as follows:

31-1408. FIRE PROTECTION BOARD -- APPOINTMENT OF COMMISSIONERS -- OATH. There shall be three (3) fire protection commissioners in each district, who shall constitute the fire protection board. The first fire protection commissioners of such fire protection district shall be appointed by the governor. The certificate of such appointment shall be made in triplicate; one (1) certificate shall be filed in the office of the county recorder of the county; one (1) with the clerk of the board of county commissioners, and one (1) with the assessor and tax collector of the county. Every fire protection commissioner shall take and subscribe the official oath, which oath shall be filed in the office of the board of fire protection commissioners. If the district is situated in two (2) or more counties, not more than two (2) of the fire protection district commissioners shall be from the same county.

SECTION 7. That Section 31-1409, Idaho Code, be, and the same is hereby amended to read as follows:

31-1409. RESIDENCE QUALIFICATIONS OF COMMISSIONERS -- TERM OF OFFICE -- VACANCIES. At the meeting of the board of county commissioners at which the fire protection district is declared organized, as provided by section 31-1407, ~~said board of~~ Idaho Code, the county commissioners shall divide the fire protection district into three (3) subdivisions, as nearly equal in population, area and mileage as practicable, to be known as fire protection commissioners subdistricts one, two and three. Not more than one (1) of said commissioners shall

be an elector of the same fire protection subdistrict. The first commissioners appointed by the governor shall serve until the next fire protection district election, at which their successors shall be elected. Any vacancy occurring in the office of the fire protection commissioner, other than by the expiration of the term of office, shall be filled by the fire protection board. Commissioners appointed and elected must be electors and freeholders resident within the district for at least one (1) year.

SECTION 8. That Section 31-1432, Idaho Code, be, and the same is hereby amended to read as follows:

31-1432. DEPOSIT OF COSTS. Whenever a petition shall be filed as provided in section 31-1403, Idaho Code, the petitioners shall deposit with ~~the~~ each board of county commissioners a sum sufficient to defray the costs of advertising and the holding of the election provided in this ~~act~~ chapter. In the event the county fire protection district is organized said petitioners shall be reimbursed from the first moneys collected under the tax provided in this ~~act~~ chapter in the amount so deposited by them. The amount required to be paid under this section shall be determined by the board of county commissioners and deposited with such board before the publication of the notice required in section 31-1404, Idaho Code.

SECTION 9. That Section 31-1435, Idaho Code, be, and the same is hereby amended to read as follows:

31-1435. ANY DISSOLUTION. Dissolution of any fire protection district organized under this chapter may be initiated by a petition signed by twenty-five (25) or more of the holders of title, or evidence of title to real property within the fire protection district aggregating not less than one thousand (1,000) acres of contiguous territory, or consisting of contiguous territory of less extent, by having market value for assessment purposes of at least five hundred thousand dollars ($500,000) at the last preceding county assessment, or by a petition signed by at least twenty-five per cent (25%) of the holders of title, or evidence of title, to the real property within the fire protection district, requesting dissolution of such fire protection district, in the following manner:

The petition shall first be presented to the board of county commissioners of ~~the~~ each county in which the fire protection district is situated, signed by the number of holders of title or evidence of title above provided, which petition shall clearly designate the boundaries of the fire protection district and shall state the name of the district and shall be accompanied by a map thereof. The petition, together with all maps and other papers filed therewith, shall, at proper hours, be open to public inspection in the office of the clerk of the board of county commissioners between the date of their said filing and the date of the election on the question of districts as hereafter provided. The petition may be in one (1) or in several papers. When such petition is presented to the board of county commissioners, and filed in the office of the clerk of the board, the said

board shall set a time for hearing of such petition, which time shall not be less than four (4) nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the time of such hearing shall be published by said board, once a week for three (3) successive weeks previous to the time set for such hearing, in a newspaper published within the county in which said district is situated. Said notice shall give the boundaries of the fire protection district and shall state that a petition has been filed to dissolve the same, and that on the date fixed for the hearing, any taxpayer within the district, may appear and offer any objection to the dissolving of such district.

After hearing and considering any and all objections to the dissolving of said district, the county commissioners shall thereupon make an order either denying such petition or granting same, with or without modification. After the county commissioners have entered their order approving or denying such petition, the clerk of the board of county commissioners shall cause to be published, a notice of election to be held in such proposed fire protection district, for the purpose of determining whether or not the same shall be dissolved. Such notice shall plainly and clearly designate the boundaries of the fire protection district, its name, and further, that the election is to be held to decide the question of whether the fire protection district shall be maintained or dissolved. Such notice shall be published once in each week for three (3) successive publications prior to such election, in a newspaper published within the county aforesaid.

Such notice shall require the electors to cast ballots which shall contain the words "fire protection district dissolved yes" or: "fire protection district dissolved ; no" or words equivalent thereto. No person shall be entitled to vote at any election held under the provisions of this act, unless he shall possess all the qualifications required of electors under the general laws of the state and be a resident of the district.

The election qualifications of electors and canvass of the ballots shall be made in the same manner as provided for in sections 31-1406 and 31-1407, Idaho Code.

If a majority of the electors voting at such election shall vote to dissolve the fire protection district, the board of county commissioners shall, after certifying the results of such election, enter an order upon the minutes of its official proceedings dissolving said fire protection district, and such district shall thereupon be dissolved.

Provided, however, that whenever a petition requesting dissolution of a fire protection district is signed by the holders of title, or evidence of title, to all of the real property included within the fire protection district and is presented to the board of county commissioners of the county in which the fire protection district is situated, accompanied by a map clearly designating the boundaries of the district, the board of county commissioners shall set a time for hearing of such petition, which time shall not be less than four (4) nor more than six (6) weeks from the date of the presenting and filing of said petition. A notice of the time and place of such hearing shall be published by said board once a week for three (3) successive weeks

previous to such hearing, in a newspaper published within the county in which the fire protection district is situated. Said notice shall give the boundaries of the fire protection district and shall state that a petition has been filed to dissolve the same, and that on the date fixed for the hearing, any resident, taxpayer, or creditor of such fire protection district may appear and offer any objection to the dissolving of the fire protection district. If at such hearing, no protests are made to the granting of the petition, the board of county commissioners shall enter an order upon the minutes of its official proceedings dissolving such fire protection district, and such district shall thereupon be dissolved. If, however, any protests from residents, taxpayers, or creditors of the district are entered at such hearing, the board of county commissioners shall, within thirty (30) days of said hearing, determine whether or not such fire protection district shall be dissolved and shall cause an order to that effect to be entered upon the minutes of its official proceedings. If the board determines that the fire protection district shall be dissolved, such dissolution shall be effective as of the date of the entry of such order upon the minutes.

The property of such district shall remain the property of the county in which such district is located and any money remaining in the fund of such district shall be expended in the maintenance and repair of the highways of such district whether such highways at the time of the dissolution, are in the incorporated territory or in unincorporated territory.

If the district is situated in two (2) or more counties, each board of county commissioners shall coordinate the hearing date and the publications of notice so that only one (1) hearing need be held. Unless otherwise agreed to by each board of county commissioners involved, the hearing shall be held at the administrative offices of the district, and the boards of county commissioners are hereby specifically authorized to act in a joint manner for such purposes. If an election is called, the boards of county commissioners shall provide that the election be held on the same day in each county, and the boards of county commissioners shall coordinate the canvass of the votes cast and make one (1) joint announcement. If a majority of votes in any county are against the dissolution of the district, such rejection shall void the dissolution of the district in all counties.

Approved April 1, 1986.

CHAPTER 138
(S.B. No. 1361, As Amended)

AN ACT

RELATING TO NONRESIDENT FISHING, HUNTING AND TRAPPING LICENSES; AMENDING SECTION 36-407, IDAHO CODE, TO ESTABLISH A NONRESIDENT FALCONRY HUNTING LICENSE, TO PROVIDE CONDITIONS, TO PROVIDE FEES AND TO PROVIDE FOR THE ISSUANCE OF A SPECIAL PERMIT FOR A REGULATED MEET SCHEDULED FOR A SPECIFIC NUMBER OF DAYS.

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

SECTION 1. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the fifth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting License. A license issued only to a person twelve (12) years of age or older entitling said person to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals and predatory birds and animals and to purchase game tags as provided in subsection 36-409(b), Idaho Code. A license of this kind may be had upon payment of seventy-five dollars ($75.00).

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had by persons fourteen (14) years of age or older upon payment of thirty-five dollars ($35.00).

(c) Nonresident Trapping License. A license entitling a person to trap fur-bearing, unprotected, and predatory animals. A license of this kind may be had upon payment of one hundred and fifty dollars ($150.00) providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A license entitling a person to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of ten dollars ($10.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

(e) Nonresident Ten Day Fishing License. A license entitling a person to fish in the waters of the state for a period of ten (10) consecutive days only. A license of this kind may be had upon payment of seventeen dollars ($17.00).

(f) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of five dollars ($5.00) per day for each effective day thereof.

(g) Nonresident Falconry Hunting License. A license entitling a person possessing a valid falconry permit in a state or province other than Idaho, to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals, migratory waterfowl and to purchase any tags or stamps required, may be had upon payment of seventy-five dollars ($75.00). The director may issue a special permit for a regulated meet scheduled for a specific number of days upon payment of ten

dollars ($10.00). Only trained raptors may be used under a license or special permit issued under the provisions of this subsection.

Approved April 1, 1986.

CHAPTER 139
(S.B. No. 1372)

AN ACT
RELATING TO SALARIES OF DEPUTY PROSECUTING ATTORNEYS; AMENDING SECTION 31-2602, IDAHO CODE, TO DELETE THE LIMIT PLACED ON SUCH SALARIES.

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

SECTION 1. That Section 31-2602, Idaho Code, be, and the same is hereby amended to read as follows:

31-2602. DEPUTY PROSECUTING ATTORNEYS -- APPOINTMENT, SALARY, AND QUALIFICATIONS. Each prosecuting attorney may be empowered by the board of county commissioners of his county to appoint deputy prosecuting attorneys upon a finding by such board of county commissioners that such appointments are necessary for the proper conduct of his office. The deputy prosecuting attorneys shall receive a salary to be fixed by the board of county commissioners of his county. The salary of any deputy prosecuting attorney ~~shall--not--exceed--the-amount received-by-the-prosecuting-attorney,-and~~ shall be paid monthly from the county treasury on warrants of the county auditor on being allowed and audited by the board of county commissioners, as other claims against the county. Every deputy prosecuting attorney must possess the qualifications required of prosecuting attorneys.

Approved April 1, 1986.

CHAPTER 140
(S.B. No. 1386, As Amended)

AN ACT
RELATING TO THE DUTIES OF THE IDAHO BOARD OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS; AMENDING SECTION 54-1201, IDAHO CODE, TO RECOGNIZE THE PROFESSIONAL STATUS OF LAND SURVEYING AND THE PRIVILEGE OF CERTIFICATION BY THE BOARD AS AN ENGINEER OR LAND SURVEYOR; AMENDING SECTION 54-1202, IDAHO CODE, TO UPDATE DEFINITIONS RELATING TO ENGINEERING AND LAND SURVEYING AND TO ADD A DEFINITION RELATING TO THE ESTABLISHMENT OF THE RULES OF PROFESSIONAL RESPONSIBILITY; AMENDING SECTION 54-1203, IDAHO CODE, TO REDESIGNATE THE TITLE OF THE BOARD, TO CLARIFY WHO MAY SERVE AS A

BOARD MEMBER AND TO PERMIT THE APPOINTMENT OF SPECIAL BOARD MEMBERS; AMENDING SECTION 54-1204, IDAHO CODE, TO CLARIFY BOARD MEMBERSHIP REQUIREMENTS; AMENDING SECTION 54-1205, IDAHO CODE, TO CLARIFY BOARD MEMBER COMPENSATION AND EXPENSE REIMBURSEMENT; AMENDING SECTION 54-1206, IDAHO CODE, TO CLARIFY WHEN BOARD MEMBERS MAY BE REMOVED; AMENDING SECTION 54-1208, IDAHO CODE, TO AUTHORIZE THE BOARD'S ADOPTION OF RULES OF PROFESSIONAL RESPONSIBILITY, TO ELIMINATE UNNECESSARY LANGUAGE, TO AUTHORIZE THE SEEKING OF INJUNCTIONS BY THE BOARD, TO LIMIT THE POTENTIAL LIABILITY OF BOARD MEMBERS, AGENTS AND EMPLOYEES, AND TO PROVIDE FOR ARBITRATION OF DISPUTES BETWEEN LAND SURVEYORS AND BETWEEN ENGINEERS; AMENDING SECTION 54-1209, IDAHO CODE, TO PERMIT THE APPOINTMENT OF ASSISTANT SECRETARIES AND TO UPDATE CERTAIN LANGUAGE; AMENDING SECTION 54-1210, IDAHO CODE, TO CLARIFY CERTAIN LANGUAGE AND TO MAKE CERTAIN RECORDS OF THE BOARD CONFIDENTIAL; AMENDING SECTION 54-1211, IDAHO CODE, TO MAKE PRINTING OF CERTAIN ROSTERS OPTIONAL AND TO PROVIDE PARAMETERS FOR DISTRIBUTION OF ROSTERS; AMENDING SECTION 54-1212, IDAHO CODE, TO UPDATE CERTAIN TERMS, AND TO REQUIRE EDUCATION AND PROGRESSIVE EXPERIENCE IN ORDER TO TAKE EXAMINATIONS; AMENDING SECTION 54-1213, IDAHO CODE, TO CLARIFY CERTAIN LANGUAGE; AMENDING SECTION 54-1214, IDAHO CODE, TO UPDATE AND CLARIFY AUTHORIZED EXAMINATIONS AND REEXAMINATIONS; AMENDING SECTION 54-1215, IDAHO CODE, TO UPDATE AND CLARIFY LANGUAGE, TO PRESCRIBE THE DESIGN FOR SEALS, TO PRESCRIBE WHEN SEALS MUST BE USED, AND TO PERMIT ISSUANCE BY THE BOARD OF ENROLLMENT CERTIFICATES TO ENGINEERS-IN-TRAINING AND LAND SURVEYORS-IN-TRAINING; AMENDING SECTION 54-1216, IDAHO CODE, TO UPDATE AND CLARIFY CERTAIN LANGUAGE; AMENDING SECTION 54-1217, IDAHO CODE, TO UPDATE AND CLARIFY CERTAIN LANGUAGE AND TO ELIMINATE CERTAIN OBSOLETE LANGUAGE; AMENDING SECTION 54-1219, IDAHO CODE, TO UPDATE AND CLARIFY CERTAIN LANGUAGE; AMENDING SECTION 54-1220, IDAHO CODE, TO AUTHORIZE DISCIPLINARY ACTION FOR VIOLATIONS OF THE RULES OF PROFESSIONAL RESPONSIBILITY AND CERTAIN REPEATED ACTS, TO OUTLINE THE RIGHTS OF PERSONS CHARGED WITH VIOLATIONS, TO AUTHORIZE THE BOARD TO LEVY ADMINISTRATIVE PENALTIES, TO REQUIRE SUPERVISION AND CONTINUING EDUCATION COURSES, AND TO AUTHORIZE APPEAL FROM ANY FINAL DECISION; AMENDING SECTION 54-1221, IDAHO CODE, TO ALLOW PETITIONS FOR REINSTATEMENT; AMENDING SECTION 54-1222, IDAHO CODE, TO DESIGNATE THE ATTORNEY GENERAL FOR PURPOSES OF ENFORCING THIS ACT; AMENDING SECTION 54-1223, IDAHO CODE, TO PROHIBIT THE PRACTICE OF LAND SURVEYING UNDER A TEMPORARY PERMIT, TO ELIMINATE THE PRACTICE OF LAND SURVEYING AND TO CLARIFY THE PRACTICE OF ENGINEERING BY RECENT ARRIVALS TO THE STATE, TO CLARIFY PERMITTED PRACTICE BY EMPLOYEES AND SUBORDINATES, TO ELIMINATE EXEMPTION FROM REGISTRATION BY GOVERNMENT EMPLOYEES, TO EXEMPT CERTAIN TEACHERS FROM REGISTRATION REQUIREMENTS AND TO UPDATE CERTAIN LANGUAGE; AMENDING SECTION 54-1227, IDAHO CODE, TO UPDATE CERTAIN LANGUAGE; AMENDING SECTION 54-1228, IDAHO CODE, TO UPDATE CERTAIN LANGUAGE; AMENDING SECTION 54-1229, IDAHO CODE, TO UPDATE CERTAIN LANGUAGE; AMENDING SECTION 54-1230, IDAHO CODE, TO CORRECT A MISSPELLED WORD; AMENDING SECTION 54-1234, IDAHO CODE, TO PROTECT ADDITIONAL PROPERTY FROM DEFACING

AND TO INCREASE THE APPLICABLE FINE; AND AMENDING SECTION 54-1235, IDAHO CODE, TO UPDATE CERTAIN LANGUAGE, TO LIMIT THE ACTIVITIES OF PART-TIME ENGINEERS AND LAND SURVEYORS AS PERSONS IN RESPONSIBLE CHARGE FOR CORPORATIONS AND TO REQUIRE REJECTION OF CERTAIN BUSINESS NAMES BY THE SECRETARY OF STATE; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 54-1201, Idaho Code, be, and the same is hereby amended to read as follows:

54-1201. DECLARATION OF POLICY. To safeguard life, health and property, every person practicing or offering to practice professional engineering or professional land surveying, as herein defined, shall submit evidence of his qualifications and be registered as hereinafter provided; and it shall be unlawful for any person to practice or offer to practice professional engineering or professional land surveying in this state, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a ~~professional~~ registered or licensed engineer or land surveyor, unless such person has been duly registered or is exempted under the provisions of this act. The practice of engineering or land surveying shall be deemed a privilege granted by the Idaho board of registration of professional engineers and professional land surveyors through the board, based on qualifications of the individuals as evidenced by the person's certificate of registration, which shall not be transferable.

SECTION 2. That Section 54-1202, Idaho Code, be, and the same is hereby amended to read as follows:

54-1202. DEFINITIONS. As used in this act, unless the context or subject matter requires otherwise:

(a) Engineer ~~and Professional Engineer~~. The terms "engineer" ~~and "professional engineer"~~ within the intent of this act shall means a person who is qualified to practice engineering by reason of his special knowledge and use of mathematical, ~~the~~ physical and engineering sciences, and the principles and methods of engineering analysis and design, acquired by professional education and ~~practical~~ engineering experience~~, to engage in the practice of professional engineering~~.

(b) Professional Engineer. The term "professional engineer," as used in this act, shall mean a person who has been duly registered or licensed as a professional engineer by the board under this act.

(c) Practice of Engineering ~~and Professional Engineering~~. The terms "practice of engineering" ~~and "professional engineering" include any professional~~ within the intent of this act shall mean any service or creative work, such as consultation, investigation, evaluation, planning, designing, ~~construction, or responsible~~ teaching upper division engineering design subjects, and the supervision of inspection observation of construction ~~or operation,~~ in connection with any

public or private utilities, structures, buildings, machines, equipment, processes, works, or projects, wherein the public welfare or the safeguarding of life, health, or property is concerned or involved, when such service is rendered in a professional capacity and requires the application of engineering principles and data. ~~The work--ordinarily--performed by persons who operate or maintain machinery, or equipment, is not included within the terms "engineering" and "professional engineering" as used in this act~~ A person shall be construed to practice or offer to practice engineering within the meaning and intent of this act who practices any of the branches of the profession of engineering or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional engineer or through the use of some other title implies that he is a professional engineer or that he is registered under this act, or holds himself out as able to perform or who does perform any engineering service or work or any other service designated by the practitioner which is recognized as engineering.

(d) Consulting Engineer. The term "consulting engineer," as used in this act, shall mean a professional engineer whose principal occupation is the independent practice of engineering; whose livelihood is obtained by offering engineering services to the public; who serves clients as an independent fiduciary; who is devoid of public, commercial and product affiliation that might tend to infer a conflict of interest; and who is cognizant of his public and legal responsibilities, and is capable of discharging them.

(~~c~~e) Professional Land Surveyor ~~and--Land--Surveying~~. The term "professional land surveyor" as used in this act shall means a person who is qualified by reason of his knowledge of the principles of surveying acquired by education and practical experience to engage in the practice of land surveying and who has been duly registered or licensed as a professional land surveyor by the board under this act.

(f) Practice of Land Surveying. The term "land surveying" includes responsible supervision of surveying of areas for their correct determination and descriptions and for conveyancing, or for the establishment or reestablishment of land boundaries and the plotting of lands and subdivisions thereof. Any person shall be construed to practice or offer to practice land surveying within the meaning and intent of this act who engages in land surveying, or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself to be a professional land surveyor, or who represents himself as able to perform or who does perform any land surveying service or work or any other service designated by the practitioner which is recognized as land surveying.

(~~d~~g) Board. The term "board" means the Idaho board of registration of professional engineers and professional land surveyors, hereinafter provided by this act.

(~~e~~h) Responsible Charge. The term "responsible charge" means the control and direction of the investigation, design, construction or operation of engineering work, or of land surveying work, as the case may be, requiring initiative, professional skill and independent judgment.

(~~f~~i) Engineer-in-Training. The term "engineer-in-training" means

a person who ~~possesses--the--education,-experience-and-character-as specified-in-sections-54-1212-and-54-1214,-Idaho--Code~~ has qualified for, taken and passed an examination in the fundamentals of engineering subjects as provided in this act.

(~~g~~j) Land Surveyor-in-Training. The term "land surveyor-in-training" means a person who ~~possesses-the-education, experience-and-character-as-specified-in-sections-54-1212-and-54-1214, Idaho-Code~~ has qualified for, taken and passed an examination in the fundamentals of land surveying subjects as provided in this act.

(k) Rules of Professional Responsibility. The term "rules of professional responsibility" for professional engineers, professional land surveyors and corporations with certificates of authorization as used in this act, shall mean those rules, if any, promulgated by the board, as authorized by the Idaho Code.

SECTION 3. That Section 54-1203, Idaho Code, be, and the same is hereby amended to read as follows:

54-1203. IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ~~---APPOINTMENT----TERM~~. A board to be known as the "Idaho board of registration of professional engineers and professional land surveyors" is ~~hereby created in~~ a division of the Idaho department of self-governing agencies and shall administer the provisions of this act. It shall consist of five (5) persons duly registered as provided by this chapter, appointed by the governor from among nominees recommended by any organized and generally recognized state engineering society in this state for the professional engineer members or any organized and generally recognized state land surveying society in this state for the professional land surveyor member. The board shall be comprised of four (4) persons registered as professional engineers and one (1) person registered as a professional land surveyor. The members of the board shall have the qualifications required by section 54-1204, Idaho Code. The members of the present board shall continue to serve for the balance of their respective terms of appointment. Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of the office. On the expiration of the term of any member, a successor shall be appointed in like manner by the governor for a term of five (5) years. Any appointment to complete a term that has not expired, because of resignation or inability of a member to serve for any reason, shall be for the unexpired portion of the term. Members of the board shall hold office until the expiration of the term for which they were appointed and until their successors have been appointed and have qualified. A member after serving two (2) consecutive full terms in addition to any unexpired portion of a term, shall not be reappointed for a period of two (2) years. The board, on its own initiative, may appoint any former member as an associate member, a special member, or a member emeritus for special assignment to assist the board in the administration of this act.

SECTION 4. That Section 54-1204, Idaho Code, be, and the same is hereby amended to read as follows:

54-1204. QUALIFICATION OF MEMBERS OF BOARD. Members of the board shall be citizens of the United States and residents of this state, and they shall have been engaged in the practice of engineering for the professional engineer members or land surveying for the professional land surveyor member, as is appropriate, for at least twelve (12) years, shall have been in responsible charge of important engineering or land surveying work, as is appropriate, for at least five (5) years, and shall be registered under the provisions of this act as herein provided. Responsible charge of engineering or land surveying teaching may be construed as responsible charge of important engineering or land surveying work.

SECTION 5. That Section 54-1205, Idaho Code, be, and the same is hereby amended to read as follows:

54-1205. COMPENSATION AND EXPENSES OF BOARD MEMBERS. Each member of the board shall be compensated as provided by section 59-509(gh), Idaho Code, when attending to the work of the board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual travel, per diem, incidentals and clerical expenses necessarily incurred in carrying out the provisions of this act.

SECTION 6. That Section 54-1206, Idaho Code, be, and the same is hereby amended to read as follows:

54-1206. REMOVAL OF BOARD MEMBERS AND FILLING VACANCIES. The governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any ~~other sufficient cause~~ reason prescribed in the Idaho Code for removal of state officials. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor as provided in section 54-1203, Idaho Code.

SECTION 7. That Section 54-1208, Idaho Code, be, and the same is hereby amended to read as follows:

54-1208. BOARD -- POWERS ~~---SEAL~~. (1) The board shall have the power to adopt and amend all by-laws, rules of professional responsibility and rules of procedure, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the administration of the act and the regulation of proceedings before the board. These actions by the board shall be binding upon persons registered under this act and shall be applicable to corporations holding a certificate of authorization as provided in section 54-1235, Idaho Code. It shall adopt and have an official seal which shall be affixed to each certificate issued. It shall have power to authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest, and to provide an office, office equipment and facilities and such books and records as may be reasonably necessary for the proper per-

formance of its duties.

(2) In carrying into effect the provisions of this act, the board~~,--under-the-hand-of-its-chairman-and-the-seal-of-the--board,~~ may subpoena witnesses and compel their attendance, and also may require the ~~production~~ submission of books, papers, documents, ~~etc.,-in-a-case involving-the-revocation-or-suspension--of--registration--or--certification,--or--the--practicing-or-offering-to-practice-without-registration.-Any-member-of-the-board-may-administer-oaths-or-affirmations--to witnesses--appearing--before--the-board.-If-any-person-shall-refuse-to obey-any-subpoena-so-issued,-or-shall-refuse-to-testify-or-produce-any books,-papers,-or-documents,-the-board-may-present-its-petition-to-the district-judge-of-the-district-in-which--the--witness--may--be--found, setting--forth--the-proceedings-theretofore-taken-by-the-board-to-subpoena-the-witness-and-the-failure-of-the-witness-to-attend-and-briefly stating-the-subject-matter-upon-which-the-testimony-of-the-witness--is required--by--the--board;--thereupon,-such-district-judge-may-cause-an order-to-be-issued,-requiring-such-witness-to-appear-before-the--board to--testify--and--to-produce-such-books,-papers-and-other-documents-as may-be-deemed-necessary-and-pertinent-by-the-board.-Any-person-failing or-refusing-to-obey-such-order-shall-be-punished-as--for--contempt--of court,--and-any-person-failing-to-obey-the-subpoena-of-the-board-shall be-guilty-of-a-misdemeanor-and-shall-be-punished-accordingly~~ or other pertinent data in any disciplinary matters or in any case wherever a violation of this act is alleged. Upon failure or refusal to comply with any such order of the board, or upon failure to honor its subpoena as herein provided, the board may apply to any court of any jurisdiction to enforce compliance with same.

(3) The board is hereby authorized in the name of the state to apply for relief by injunction in the established manner provided in cases of civil procedure, without bond, to enforce the provisions of this act or to restrain any violation thereof. Venue for all such actions shall be in the district court of the fourth judicial district, Ada county, Idaho.

(4) The board may subject an applicant for registration to such examination as it deems necessary to determine qualifications.

(5) Any action, claim or demand to recover money damages from the board or its employees which any person is legally entitled to recover as compensation for the negligent or otherwise wrongful act or omission of the board or its employees, when acting within the course and scope of their employment, shall be governed by the Idaho tort claims act, chapter 9, title 6, Idaho Code. For purposes of this section, the term "employees" shall include, in addition to those persons listed in section 6-902(4), Idaho Code, special assignment members and other independent contractors while acting within the course and scope of their board related work.

(6) The board may appoint arbitration review committees to review and recommend arbitration of disputes between professional engineers or disputes between professional land surveyors. Each committee shall consist of no fewer than three (3) individuals currently licensed as professional engineers on engineering disputes, and as professional land surveyors on land surveying disputes. The committee members shall be reimbursed as provided for board members in section 54-1205,

Idaho Code. Further, each committee member shall be protected from any action or other legal proceedings for damages as provided for board members in section 54-1208(5), Idaho Code.

SECTION 8. That Section 54-1209, Idaho Code, be, and the same is hereby amended to read as follows:

54-1209. RECEIPTS AND DISBURSEMENTS. The secretary of the board, or assistants thereto as may be designated by the board, shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate account to be known as the "professional engineers' and professional land surveyors' account." Such moneys shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only on approval of the board. All moneys in the "professional engineers' and professional land surveyors' account" are hereby specifically appropriated for the use of the board. The secretary of the board shall be bonded to the state of Idaho in the time, form and manner prescribed in chapter 8, title 59, Idaho Code. The secretary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided for in section 54-1205, Idaho Code. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures ~~of~~ from this fund for any purpose which, in the opinion of the board, is reasonably necessary for the proper performance of its duties under this act, including the expenses of the board's delegates to annual conventions of, and membership dues to, the National Council of Engineering Examiners and any of its subdivisions. Under no circumstances shall the total amount of expenditures approved by the board in payment of the expenses and compensation provided for in this act exceed the accumulated amount of the examination, registration and renewal fees collected as herein provided. All warrants on said "professional engineers' and professional land surveyors' account" shall be drawn by the state auditor on vouchers by the board and the state board of examiners.

SECTION 9. That Section 54-1210, Idaho Code, be, and the same is hereby amended to read as follows:

54-1210. RECORDS AND REPORTS. (1) The board shall keep a record of its proceedings and a register of all applications for registration, which register shall show: ~~(a)~~ the name, age and ~~residency~~ last known address of each applicant; ~~(b)~~ the date of the application; ~~(c)~~ the place of business of such applicant; ~~(d)~~ his educational, experience and other qualifications; ~~(e) whether or not~~ type of examination ~~was~~ required; ~~(f)~~ whether or not the applicant was rejected; ~~(g)~~ whether or not a certificate of registration was granted; ~~(h)~~ the dates of the action of the board; and ~~(i) such~~ any other information as may be deemed necessary by the board.

(2) The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof,

duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

(3) Annually the board shall submit to the ~~G~~governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

(4) Board records and papers of the following class are of a confidential nature and are not public records: examination material for examinations not yet given; file records of examination results and problem solutions; letters of inquiry and reference concerning applicants; board inquiry forms concerning applicants; investigation files where any investigation is still pending; and all other materials of like confidential nature.

SECTION 10. That Section 54-1211, Idaho Code, be, and the same is hereby amended to read as follows:

54-1211. ROSTER. A complete roster showing the names and last known addresses of all registered professional engineers, all registered professional land surveyors, all corporations holding certificates of authorization and all who possess current certification as engineers-in-training and as land surveyors-in-training ~~shall~~ may be published by the secretary of the board ~~each year~~ biennially. Copies of this roster shall be mailed to each person so registered or certified, who requests a copy, and placed on file with the secretary of state~~,~~ and ~~furnished~~ may be distributed or sold to the public upon request.

SECTION 11. That Section 54-1212, Idaho Code, be, and the same is hereby amended to read as follows:

54-1212. GENERAL REQUIREMENTS FOR EXAMINATION AND LICENSE. Except as herein otherwise expressly provided, no license as a professional engineer or professional land surveyor, or certification as an engineer-in-training or land surveyor-in-training, shall be issued until an applicant has successfully passed an examination given by or under the supervision of the board, nor shall a license as a professional engineer or professional land surveyor, or certification as an engineer-in-training or land surveyor-in-training, be issued to an applicant having habits or character that would justify revocation or suspension of certificate, as provided in section 54-1220, Idaho Code. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified ~~to take~~ for assignment to an examination:

(1) As a professional engineer:

(a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing, and a specific record of an additional four (4) years or more of progressive experience in engineering work of a grade and character satisfactory to the board, and indicating that the applicant is competent to practice profes-

sional engineering (in counting years of experience, the board, at its discretion, may give credit, not in excess of one (1) year, for satisfactory graduate study in engineering); or

(b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum, and a specific record of eight (8) years or more of progressive experience in engineering work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice professional engineering.

(2) As a professional land surveyor:

(a) Graduation from a school or college in an approved four (4) year surveying curriculum, and in addition, a specific record of at least four (4) years of combined office and field experience in land surveying work, after graduation, with a minimum of two (2) years of progressive experience in responsible charge of surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(b) Two (2) years of approved formal education in a school or college above high school level with at least sixty (60) semester hours, or the equivalent, passed, and in addition, a specific record of at least six (6) years of combined office and field experience in land surveying work, with a minimum of two (2) years of progressive experience in responsible charge of surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

(c) Evidence that the applicant possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college curriculum, and evidence of a specific record of at least eight (8) years of combined office and field experience in land surveying work with a minimum of three (3) years of progressive experience in responsible charge of surveying work of a grade and character satisfactory to the board and indicating that the applicant is competent to practice land surveying.

(3) As an engineer-in-training:

(a) Graduation from an approved engineering curriculum of four (4) years or more in a school or college approved by the board as being of satisfactory standing and indicating that the applicant is competent to enroll as an engineer-in-training; or

(b) Evidence satisfactory to the board that the applicant possesses knowledge and skill approximating that attained through graduation from an approved four (4) year engineering curriculum and a specific record of four (4) years or more of progressive experience in engineering work of a character satisfactory to the board and indicating that the applicant is competent to enroll as an engineer-in-training.

(4) As a land surveyor-in-training:

(a) Graduation from a college or school in an approved surveying curriculum and evidence that the applicant is competent to be enrolled as a land surveyor-in-training; or

(b) Has at least two (2) years of formal education in an approved

school or college above high school level with at least sixty (60) semester hours, or the equivalent, passed, and in addition, a specific record of at least three (3) years of combined office and field experience in land surveying work of a character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor-in-training; or

(c) Possesses knowledge and skill, satisfactory to the board, similar to that attained upon completion of an approved college curriculum and evidence of a specific record of at least four (4) years experience of combined office and field experience of a character satisfactory to the board that the applicant is competent to be enrolled as a land surveyor-in-training.

In considering the combined education and experience qualifications of applicants, the board shall consider engineering teaching, land surveying teaching, each year of satisfactory completion of undergraduate college education, advanced degrees in engineering and advanced degrees in land surveying in establishing the applicants' minimum composite knowledge and skill. Graduation in a curriculum other than engineering or surveying from a college or university of recognized standing may be considered as equivalent to two (2) years of experience in this section subdivisions (1)(b) and (2)(b): provided, however, that no applicant shall receive credit for more than four (4) years of experience because of undergraduate educational qualifications.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent, shall not be deemed to be the practice ~~in professional~~ of engineering, but if such experience, in the opinion of the board, has involved responsible supervision of a character that will tend to expand the engineering knowledge and skill of the applicant the board may in its discretion give such credit therefor as it may deem proper.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

SECTION 12. That Section 54-1213, Idaho Code, be, and the same is hereby amended to read as follows:

54-1213. APPLICATIONS AND REGISTRATION FEES. Applications for registration as a professional engineers or professional land surveyors, or certification as an engineers-in-training or land surveyors-in-training, shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education and a detailed summary of his technical work and engineering or land surveying experience. An applicant for registration as a professional engineer or professional land surveyor shall furnish not less than five (5) references, of whom three (3) or more should be registered professional engineers or professional land surveyors, as applicable, having personal knowledge of the applicant's engineering or land surveying experience. An applicant for certifi-

cation as an engineer-in-training or land surveyor-in-training shall furnish three (3) character references. Applications for certification of corporations and joint stock associations shall be made in accordance with section 54-1235, Idaho Code.

The maximum registration fee for professional engineers or professional land surveyors shall be one hundred twenty dollars ($120), of which a fee not to exceed one hundred dollars ($100), shall accompany the application, and the remaining fee, not to exceed twenty dollars ($20.00), shall be paid prior to issuance of the certificate.

The maximum certification fee for an applicant who seeks a certificate as an engineer-in-training or land surveyor-in-training shall be seventy-five dollars ($75.00), of which a fee not to exceed fifty-five dollars ($55.00), shall accompany the application, and the remaining fee, not to exceed twenty dollars ($20.00), shall be paid prior to issuance of the certificate.

The maximum certification fee for corporations or joint stock associations shall be two hundred twenty dollars ($220), of which a fee not to exceed two hundred dollars ($200), shall accompany the application, and the remaining fee, not to exceed twenty dollars ($20.00), shall be paid prior to issuance of the certificate.

Separate application fees shall accompany all applications for each of the four (4) classes of examinations: professional land surveyingor, engineer-in-training, land surveyor-in-training and professional engineering.

The amount of the registration fee or certificate fee shall be fixed by the board prior to June 30th of any year and shall continue in force until changed. Said fees shall not be subject to change except at the beginning of each fiscal year.

Should the board deny the issuance of a certificate of registration or authorization to any applicant, the ~~initial~~ fee deposited shall be retained as an application fee.

SECTION 13. That Section 54-1214, Idaho Code, be, and the same is hereby amended to read as follows:

54-1214. EXAMINATIONS. ~~Written-and/or-oral-examinations-shall-be held-at-such-time-and-place-as-the-board-shall-determine.-Examinations are--required--on--fundamental--engineering-or-land-surveying-subjects (such-as-are-ordinarily-given-in-college-curricula).-The-applicant-may be-permitted-to-take-this-part-of-the-professional--examination--prior to--his-completion-of-the-requisite-years-of-experience-in-engineering or-land-surveying-work,-and-satisfactory-passage-of--this--portion--of the--professional--examination--by--the--applicant--shall-constitute-a credit-toward-the-applicant's-complete-professional-examination.~~

~~The-scope-of-the-examination-and-the-methods-of-procedure-shall-be prescribed-by-the-board.--Examinations-shall-be-given-for-the--purpose of--determining--the--qualifications--of--applicant--for--registration simultaneously-in-professional--engineering--and--in--land--surveying. Examinations--for--engineer-in-training--and-land-surveyor-in-training enrollment-shall-be-given-at-such-times-as-the-board-may-prescribe.--A candidate-failing-his-first-examination-may-apply-for-reexamination-at the--expiration-of-six-(6)-months-without-filing-a-new-application-and~~

~~shall be entitled to such reexamination on payment of an additional fee of not to exceed a maximum of one hundred dollars ($100) if the examination is for registration as a professional engineer or land surveyor and not to exceed a maximum of fifty-five dollars ($55.00) if the examination is for certification as an engineer-in-training or land surveyor-in-training. A candidate who fails on reexamination must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to one (1) year following the date of the last examination taken by the applicant, and in addition, the applicant shall present evidence satisfactory to the board to warrant assignment to an additional examination; provided, however, that it shall be unlawful for a candidate failing any examination to practice professional engineering or land surveying under paragraphs (b) and (c) of section 54-1223, Idaho Code.~~

(1) Examinations will be held at such times and places as the board directs. The board shall determine the acceptable grade on examinations.

(2) Written examinations will be given in two (2) sections and may be taken only after the applicant has met the other minimum requirements as given in section 54-1212, Idaho Code, and has been approved by the board for admission to the examinations as follows:

(a) Engineering Fundamentals -- The examination consists of an eight (8) hour test period on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer-in-training certificate, provided he has met all other requirements of certification required by this act.

(b) Principles and Practice of Engineering -- The examination consists of an eight (8) hour test period on applied engineering. Passing this examination qualifies the examinee for registration as a professional engineer, provided he has met the other requirements for registration required by this act.

(c) Land Surveying Fundamentals -- The examination consists of an eight (8) hour test period on the basic disciplines of land surveying. Passing this examination qualifies the examinee for a land surveyor-in-training certificate, provided he has met all other requirements for certification required by this act.

(d) Principles and Practice of Land Surveying -- The examination consists of two (2) four (4) hour parts on the applied disciplines of land surveying. Passing these parts qualifies the examinee for registration as a professional land surveyor, provided he has met the other requirements for registration required by this act.

(3) A candidate failing the first examination of a section may apply for reexamination of both parts of the section, which may be granted upon payment of an additional fee of not to exceed a maximum of one hundred dollars ($100) if the examination is for registration as a professional engineer or professional land surveyor and not to exceed fifty-five dollars ($55.00) if the examination is for certification as an engineer-in-training or land surveyor-in-training. Before readmission for a section of the examination, in the event of a second failure, the examinee shall be required to appear before the board to submit evidence of having acquired the necessary additional knowledge to warrant assignment of the applicant to the third exami-

nation in a section.

(4) The board may prepare and adopt specifications for the written examinations in engineering and land surveying. They shall be published in brochure form and be available to any person interested in being registered as a professional engineer or as a professional land surveyor.

SECTION 14. That Section 54-1215, Idaho Code, be, and the same is hereby amended to read as follows:

54-1215. CERTIFICATES -- SEALS. (1) The board shall issue a certificate of registration upon payment of the registration fee as provided for in this ~~chapter,~~ act to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this ~~chapter~~ act, and an enrollment certificate shall be issued to those who qualify as engineers-in-training and land surveyors-in-training. In the case of a registered professional engineer, the certificate shall authorize the practice of "professional engineering," and in the case of ~~one~~ a registered ~~as a~~ professional land surveyor the certificate shall authorize the practice of "land surveying." Certificates of registration shall show the full name of the registrant, shall give a serial registration number, and shall be signed by the chairman and the secretary of the board under seal of the board.

(2) The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights ~~and~~, privileges and responsibilities of a registered professional engineer or of a registered professional land surveyor, provided that said certificate of registration has not expired or has not been suspended or revoked.

(3) Each registrant hereunder shall, upon registration, obtain a seal ~~of the design authorized by the board, bearing the registrant's name and the legend "Registered Professional Engineer," or "Registered Land Surveyor." All drawings, specifications, plats, reports, or other engineering or land surveying papers or documents involving engineering or land surveying work as is appropriate and as defined in section 54-1202, Idaho Code, which shall have been prepared or approved for the use of or for delivery to any person or for public record within this state shall be impressed with said seal or the seal of a nonresident practicing under the provisions of section 54-1223, Idaho Code,~~ the use and design of which are described below. It shall be unlawful for any person to ~~stamp or seal~~ affix or to permit his seal and signature to be affixed to any documents ~~with said seal~~ after the certificate of the registrant named thereon has expired or has been suspended or revoked, unless said certificate shall have been renewed, reinstated, or reissued, or for the purpose of aiding or abetting any other person to evade or attempt to evade any portion of this act.

(a) The seal may be a rubber stamp. Whenever the seal is applied, the registrant's written signature and date shall be adjacent to or across the seal. No further words or wording are required. A facsimile signature will not be acceptable.

(b) The seal and signature shall be placed on all specifications, land surveys, reports, plats, drawings, plans, design information

and calculations, whenever presented to a client or any public or governmental agency.

(c) The seal and signature shall be placed on all originals, copies, tracings or other reproducible documents in such a manner that the seal and signature will be reproduced. The application of the registrant's seal and signature shall constitute certification that the work thereon was done by him or under his responsible charge. Each sheet shall be sealed and signed by the registrant or registrants responsible for each sheet. In the case of a firm, partnership or corporation, each sheet shall be sealed and signed by the registrant or registrants involved. The principal in responsible charge shall sign and seal the title or first sheet.

(d) The seal and signature shall be used by registrants only when the work being stamped was under the registrant's responsible direction and control.

(e) In the case of a temporary permit issued to an engineering registrant of another state, the registrant shall use his state of registration seal and shall affix his signature to all his work performed in this state under the terms of the temporary permit.

(f) In the case of an engineering registrant checking the work of an out-of-state registrant, the Idaho registrant shall completely check and have complete dominion and control of the design. Such complete dominion and control must include possession of the sealed and signed reproducible construction drawings, with complete signed and sealed calculations indicating all changes in the design.

(g) The design of the seal shall be determined by the state board; however, the following minimum information shall be on the seal:

State of registration
Registrant's name
Registrant's registration number
Contain the words "Professional Engineer" or "Professional Land Surveyor"

(4) The board shall issue to any applicant who, in the opinion of the board, has met the requirements of this act, an enrollment certificate or card as an engineer-in-training or land surveyor-in-training, which indicates that his name has been recorded as such in the board office. The engineer-in-training or land surveyor-in-training enrollment card does not authorize the holder to practice as a professional engineer or a professional land surveyor.

SECTION 15. That Section 54-1216, Idaho Code, be, and the same is hereby amended to read as follows:

54-1216. EXPIRATIONS AND RENEWALS -- FEES. Certificates of registration for professional engineers and land surveyors and certificates of authorization for corporations ~~and joint stock associations~~ shall expire on the last day of the month of July following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the secretary of the board to notify every person registered and every corporation ~~or joint stock association~~ certified

under this chapter, of the date of the expiration of ~~his or its~~ said certificate of registration or certificate of authorization and the amount of the fee that shall be required for its renewal ~~for one (1) year;~~ s. Such notice shall be mailed to the last known address at least one (1) month in advance of the date of the expiration of said certificate or authorization. Renewal may be effected at any time during the month of July by the payment of a renewal fee to be fixed by the board at not less than three dollars ($3.00) nor more than seventy-five dollars ($75.00). The failure on the part of any registrant or certificate holder to renew his or its certificate annually in the month of July as required above shall not deprive such person or corporation or joint stock association of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of July shall be increased twenty percent (20%) for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the renewal fee for each year delinquent, but in no event more than one hundred fifty dollars ($150).

Certificates of enrollment for engineers-in-training and land surveyors-in-training shall expire on the last day of the month of July following their issuance or renewal. The notification to holders of certificates of enrollment shall be processed as prescribed above for registrants except that the annual renewal fee shall not be less than two dollars ($2.00) nor more than fifteen dollars ($15.00). The failure on the part of any holder of a certificate of enrollment to effect renewal shall not invalidate his status as an engineer-in-training or land surveyor-in-training, but his name shall, after ninety (90) days, be removed from the board's current mailing list. ~~The fee to bring an enrollment current after a renewal expiration shall be twice that established for annual renewal.~~

SECTION 16. That Section 54-1217, Idaho Code, be, and the same is hereby amended to read as follows:

54-1217. PRACTITIONERS AT TIME ACT BECOMES EFFECTIVE -- FEE. Professional engineers and land surveyors with a current certificate of registration and engineers-in-training or land surveyors-in-training with a current enrollment card, will continue under their existing certificates or enrollments, as appropriate.

~~Any person who is a registered professional engineer and who elects to apply for a certificate of registration as a land surveyor shall submit evidence satisfactory to the board that the registrant has practiced land surveying as defined in section 54-1202, Idaho Code, and upon submittal of proper application, including payment of fees as prescribed in section 54-1213, Idaho Code, within one (1) year of the effective date of this section, shall be registered as a land surveyor and shall be issued a certificate to that effect.~~

SECTION 17. That Section 54-1219, Idaho Code, be, and the same is hereby amended to read as follows:

54-1219. COMITY CERTIFICATION -- FEE. The board, upon application

therefor and the payment of a fee of not to exceed a maximum of one hundred twenty-five dollars ($125), may issue a certificate of registration as a professional engineer or professional land surveyor to any person who holds a certificate of ~~qualification--or~~ registration issued to the applicant by the proper authority of any state, territory or possession of the United States, the District of Columbia, or of a foreign country, provided that the requirements for the indicated registration under which said certificate of ~~qualification--or~~ registration was issued, ~~are~~ were of a standard not lower than those specified in ~~this act as amended~~ the applicable registration act in effect in this state at the time such certificate was issued, provided that a professional land surveyor applicant must successfully pass the section of the land surveying examination as administered by the board, and provided such state, territory, possession or country will license or issue certificates of registration, without examination and upon substantially the same condition, to applicants holding licenses or certificates of registration issued by the board under this act.

SECTION 18. That Section 54-1220, Idaho Code, be, and the same is hereby amended to read as follows:

54-1220. ~~REVOCATION OR SUSPENSION--OF--CERTIFICATES------HEARINGS~~ DISCIPLINARY ACTION -- PROCEDURES. ~~The board shall have power to (1) revoke the certificate of registration or the certificate of--authorization--or;--(2)--to--suspend--the--certificate of registration or the certificate of authorization for a period of time--not--exceeding--two (2)--years;--of--any--registrant or certificate holder who or which is found guilty of:~~

~~(a)--The practice of any fraud or deceit in--obtaining--a--certificate of registration or certificate of authorization;~~

~~(b)--Gross--negligence incompetency, habitual intemperance, insanity, conviction of a felony, moral turpitude;--or--misconduct--in--the practice of professional engineering or land surveying as a registered professional engineer or land surveyor.~~

(1) Any person may prefer charges~~, based on any of the above grounds,~~ of fraud, deceit, gross negligence, incompetence, misconduct or violation of the rules of professional responsibility for professional engineers, professional land surveyors and corporations with certificate of authorization against any individual registrant or against any corporation holding a certificate ~~holder~~ of authorization. Repeated acts of negligence, incompetence, misconduct, or violations of the rules of professional responsibility may be considered as a gross act for disciplinary action. Such charges shall be in writing, and shall be sworn to by the person or persons making them and shall be filed with the secretary of the board. The secretary of the board may be the person making and filing the charges.

(2) All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three (3) months after the date on which they shall have been preferred. ~~The board shall adopt rules and regulations for the conduct of hearings on charges--pursuant to--the--administrative--procedures--act,--chapter 52, title 67, Idaho Code. After the board has entered a decision, the--charged--registrant~~

~~or--certificate--holder--may--appeal-that-decision-as-a-contested-case pursuant-to-section-67-5215,-Idaho-Code.~~

(3) The time and place for said hearing shall be fixed by the board and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such individual registrant or corporation holding a certificate of authorization at least thirty (30) days before the date fixed for the hearing. At any hearing, the accused individual registrant or corporation holding a certificate of authorization shall have the right to appear in person or by counsel, or both, to cross-examine witnesses in his or its defense, and to produce evidence and witnesses in his or its own defense. If the accused person or corporation fails or refuses to appear, the board may proceed to hear and determine the validity of the charges.

(4) If, after such hearing, the board votes in favor of sustaining the charges, the board may, in its discretion, impose an administrative penalty, not to exceed two thousand dollars ($2,000) for deposit in the general account of the state of Idaho. In addition, the board, in its discretion, may reprimand, suspend, revoke or refuse to renew the individual's certificate of registration or a corporation's certificate of authorization. The board may also, in its discretion, require the individual to practice under the supervision of another licensee, or require the individual to successfully complete continuing education courses as may be prescribed by the board.

SECTION 19. That Section 54-1221, Idaho Code, be, and the same is hereby amended to read as follows:

54-1221. REISSUANCE OF CERTIFICATES. The board, ~~for-reasons-it may-deem-sufficient~~ upon petition of an individual or a corporation, may reissue or reinstate a certificate of registration ~~to-any-person whose-certificate-has-been-revoked-or-suspended,--or--may--reissue--or reinstate--a-certificate-of~~ or authorization ~~to-a-corporation-or-joint stock-association-whose-certificate-has--been--revoked--or--suspended~~, provided three (3) or more members of the board vote in favor of such reissuance or reinstatement. A new certificate of registration or certificate of authorization, to replace any certificate revoked, lost, destroyed or mutilated, may be issued, subject to the rules of the board, and upon payment of such reasonable charge therefor as shall be fixed by the board to cover the estimated cost of investigation and such reissuance, but not exceeding ten dollars ($10.00) in any case.

SECTION 20. That Section 54-1222, Idaho Code, be, and the same is hereby amended to read as follows:

54-1222. VIOLATIONS AND PENALTIES -- PROSECUTION OF OFFENSES. Any person who shall practice, or offer to practice, professional engineering or professional land surveying in this state without being registered in accordance with the provisions of this act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any

false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration or practice at any time during a period the board has suspended or revoked his certificate of registration, or any person who shall violate any of the provisions of this act, shall be guilty of a misdemeanor.

Legal counsel selected by the board, or the attorney general of this state or ~~any assistant~~ anyone designated by him may act as legal advisor of the board~~; and all violations of the provisions of this act constituting criminal offenses, shall be prosecuted by the prosecuting attorney of the county or counties in which the violations of the act may be committed or occur~~. It shall be the duty of the attorney general of this state to enforce the provisions of this act and to prosecute any person violating the same. The attorney general shall be reimbursed by the board for any fees and expenses incurred by the attorney general in representing the board.

SECTION 21. That Section 54-1223, Idaho Code, be, and the same is hereby amended to read as follows:

54-1223. SAVING CLAUSE -- EXEMPTIONS. This act shall not be construed to prevent or to ~~a~~effect:

(~~a~~1) Other Professions or Trades. The practice of any other profession or trade for which a license is required under any law of this state or the United States~~; or~~.

(~~b~~2) ~~Nonresidents~~ Temporary Permits.

(a) Professional Engineer -- The practice of professional engineering or professional land surveying by a person not a resident of and having no established place of business in this state, when such practice does not exceed in the aggregate more than thirty (30) days in any calendar year and provided such person is duly licensed or registered to practice such profession in a state in which the requirements and qualifications for obtaining a certificate of registration or license are not lower than those specified in this act for obtaining the license required for such work, upon examination, and provided further that such nonresident shall file with the board, on or before entering the state for commencing such work, a statement to be filed with the board, accompanied by a filing fee not to exceed one hundred dollars ($100), giving his name, residence, the number of his license or certificate of registration and by what authority issued, and the place and nature of the work on which he will be engaged in this state and, upon the completion of the work, an exit statement of the time engaged in such work within the state~~; or~~ shall be filed with the board; provided, however, no right to practice engineering shall accrue to such applicant with respect to any other work not set forth in said permit;

~~(c) Recent Arrivals in State. The practice of a person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering~~

~~to-practice-herein-for-more-than-thirty-(30)-days-in-any-calendar-year the-profession-of-engineering-or-land--surveying,--if--he--shall--have filed--with-the-board-an-application-for-a-certificate-of-registration and-shall-have-paid-the-fee-required-by-this-act;-provided,-that--such a-person-is-legally-qualified-by-registration-to-practice-said-profession--in--his--own-state-or-county-in-which-the-requirements-and-qualifications-for-obtaining-a-certificate-of-registration-are--not--lower than--those--specified--in-this-act.-Such-practice-shall-continue-only for-such-time-as-the-board--requires--for--the--consideration--of--the application-for-registration;-or~~

(b) Professional Land Surveyor -- The practice of land surveying under a temporary permit by a person registered as a professional land surveyor in another state is not considered to be in the best interests of the public, and therefore, shall not be granted.

~~(d~~3) Employees and Subordinates. The work of an employee or a subordinate of a person holding a certificate of registration under this act, or an employee of a person practicing lawfully under paragraphs (b2) ~~or-(c)~~ of this section, provided such work does not include final engineering design or land surveying decisions and is done under the direct responsibility, checking, and supervision of, and verified by, a person holding a certificate of registration under this act or a person practicing lawfully under paragraphs (b2) ~~or--(c)~~ of this section~~;-or~~.

~~(e)--Government--Officers--and-Employees.-The-practice-of-officers and-employees-of-the-government-of-the--United--States--while--engaged within--this-state-in-the-practice-of-the-profession-of-engineering-or land-surveying-for-said-government;-or~~

(4) Any individual teaching upper division engineering subjects that are classified as engineering design for any college or university in this state as of the effective date of this act and any such individual employed after the effective date of this act for a period of three (3) years from the date of employment with any college or university in this state.

~~(f~~5) Individuals or Firms Doing Work for Themselves. An individual doing surveying work for himself or herself, or through a firm, partnership~~,~~ or corporation ~~or-joint-stock--association~~, on property owned or leased by the individual, firm, partnership~~,~~ or corporation ~~or-joint-stock-association~~, or in which the individual, firm, partnership~~,~~ or corporation ~~or--joint--stock--association~~ has an interest, estate or possessory right and which affects exclusively the property or interests of the individual, firm, partnership~~,~~ or corporation ~~or joint-stock-association~~; provided, that all land surveying maps, plats or plans filed with any county recorder's office in the state of Idaho for the purpose of illustrating or defining boundaries of property ownership, shall be made and certified by a registered, professional land surveyor as provided in this chapter~~;-or~~.

~~(g~~6) Mining Claim Location. An individual doing survey work for himself or herself, or through a firm, partnership~~,~~ or corporation ~~or joint--stock--association~~ with respect to the location, amendment, or relocation of a mining claim.

SECTION 22. That Section 54-1227, Idaho Code, be, and the same is

hereby amended to read as follows:

54-1227. SURVEYS -- AUTHORITY AND DUTIES OF PROFESSIONAL LAND SURVEYORS AND PROFESSIONAL ENGINEERS. Every registered, professional land surveyor is hereby authorized to make land surveys relating to the sale or subdivision of lands, the retracing or establishing of property or boundary lines, public roads, streets, alleys, or trails; and it shall be the duty of each registered professional land surveyor, whenever making any such land survey, whether the land survey be made for private persons, corporations, cities or counties, to set permanent and reliable monuments; and such monuments must be permanently marked. ~~Persons~~ Professional engineers qualified and duly registered pursuant to title 54, Idaho Code, may also perform those surveys necessary and incidental to the work customarily performed by them.

SECTION 23. That Section 54-1228, Idaho Code, be, and the same is hereby amended to read as follows:

54-1228. ADMINISTERING AND CERTIFICATION OF OATHS -- AUTHORITY OF PROFESSIONAL LAND SURVEYORS. Every registered, professional land surveyor is authorized to administer and certify oaths, when it becomes necessary to take testimony to identify or establish old or lost corners, or to perpetuate a corner that is in a perishable condition, or whenever the importance of the land survey makes it desirable, and to administer oaths to assistants for the faithful performance of duty. A record of such oaths shall be kept as part of the field notes of the land survey.

SECTION 24. That Section 54-1229, Idaho Code, be, and the same is hereby amended to read as follows:

54-1229. LEGAL SURVEY OF LAND. ~~Effective-one-(1)--year--from--the effective-date-of-this-act,-n~~No survey of land, or plat or subdivision shall be legal unless made by or under the direct supervision of a registered, professional land surveyor.

All land surveys made under the authority of the state, or of any county, town, city or village within the state, must be performed by a ~~licensed~~ registered, professional land surveyor.

SECTION 25. That Section 54-1230, Idaho Code, be, and the same is hereby amended to read as follows:

54-1230. PUBLIC SURVEYING -- RIGHT OF ENTRY. Any person employed in the execution of any survey authorized by the congress of the United States may enter upon lands within this state for the purpose of exploring, triangulating, leveling, surveying, and of doing any work which may be necessary to carry out the objects of then existing laws relative to surveys, and may establish permanent station ~~p~~marks, and erect the necessary signals and temporary observatories, doing no unnecessary injury thereby.

SECTION 26. That Section 54-1234, Idaho Code, be, and the same is hereby amended to read as follows:

54-1234. ~~PROPERTY-OF-UNITED--STATES--COAST--AND--GEODETIC--SURVEY~~ MONUMENTATION -- PENALTY AND LIABILITY FOR DEFACING. If any person shall wilfully deface, injure or remove any signal, monument, building or other ~~property-of-the-United-States-coast-and-geodetic-survey,-constructed-or-used-under-or-by-virtue-of-the-act-of--congress--aforesaid~~ object set as a permanent boundary survey marker by a registered, professional land surveyor, he shall forfeit a sum not exceeding ~~fifty~~ five hundred dollars ($500~~.00~~) for each offense, and shall be liable for damages sustained by the ~~United-States~~ affected parties in consequence of such defacing, injury or removal, to be recovered in a civil action in any court of competent jurisdiction.

SECTION 27. That Section 54-1235, Idaho Code, be, and the same is hereby amended to read as follows:

54-1235. PRACTICE BY CORPORATIONS ~~OR--JOINT--STOCK--ASSOCIATIONS~~. (1) The practice of or offer to practice professional engineering or professional land surveying, as defined in section 54-1202, Idaho Code, by individual registered, professional engineers or individual registered, professional land surveyors, through a corporation ~~or joint---stock---association~~, or by a corporation ~~or--joint--stock association~~ through individual registered, professional engineers or individual registered, professional land surveyors, as ~~agents,~~ employees~~,~~ or officers, is permitted subject to the provisions of this chapter, provided that all personnel of such corporation ~~or--joint stock--association~~, who act in its behalf as professional engineers or professional land surveyors in this state are registered as provided by this chapter, or are persons lawfully practicing under the exemptions enumerated in section 54-1223, Idaho Code, and further provided that said corporation ~~or--joint-stock-association~~, except utilities regulated by the Idaho public utilities commission, has been issued a certificate of authorization by the board as provided by this chapter. No corporation ~~or-joint-stock-association~~ shall be relieved of responsibility for the conduct or acts of its ~~agents,~~ employees or officers by reason of its compliance with the provisions of this chapter, nor shall any individual practicing professional engineering or professional land surveying as defined in section 54-1202, Idaho Code, be relieved of responsibility for engineering or land surveying services performed by reason of his employment or relationship with such corporation ~~or-joint-stock-association~~. All final drawings, specifications, plats, reports, or other engineering or land surveying papers or documents involving the practice of professional engineering or professional land surveying as defined in section 54-1202, Idaho Code, which shall have been prepared or approved for the use of or for delivery to any person or for public record within this state shall be dated and bear the signature and seal of the professional engineer or professional land surveyor who prepared or approved them.

(2) A corporation ~~or-joint-stock-association~~ organized pursuant to this section may provide or offer to provide allied professional

services as defined in section 30-1303, Idaho Code, in connection with the provi~~sion~~ding of engineering or land surveying services, by persons licensed in allied professions acting as ~~agents,~~ employees or officers, provided such persons are duly licensed or otherwise legally authorized to render such allied professional services within this state.

(3) A corporation ~~or joint stock association~~ desiring a certificate of authorization for engineering, for land surveying, or for both, shall file with the board a description of the engineering or land surveying service to be offered or practiced in the state, an application upon a form to be prescribed by the board and the designation required by the following paragraph, accompanied by the application fee.

(4) Such corporation ~~or joint stock association~~ shall file with the board a designation of an individual or individuals duly registered and certified to practice professional engineering or professional land surveying in this state who shall be in responsible charge of the practice of professional engineering or land surveying, as applicable, by said corporation ~~or joint stock association~~ in this state. In the event there shall be a change in the individual or individuals in responsible charge, such changes shall be designated in writing and filed with the board within thirty (30) days after the effective date of such change.

If all requirements of this chapter are met, the board shall issue to such corporation ~~or joint stock association~~ a certificate of authorization for professional engineering, for land surveying, or for both; provided, however, the board may refuse to issue a certificate if any facts exist which would entitle the board to suspend or revoke an existing certificate.

A professional engineer or professional land surveyor who renders occasional, part-time or consulting engineering or land surveying services to or for a firm may not be designated as the person in responsible charge for the professional activities of the firm.

(5) Effective one (1) year from the date of this act, the secretary of state shall not issue a certificate of incorporation or a certificate of registration as a foreign corporation authorized to do business in this state to a firm which includes, among objects for which it is established, any of the words "engineer," "engineering," "land surveyor," "land surveying," or any modification or derivation thereof, unless the board shall have issued for said applicant a certificate of authorization or a letter indicating the eligibility of said applicant to receive such certificate. The firm applying shall supply such certificate or letter from the board with its application for incorporation or registration with the secretary of state.

SECTION 28. This act shall be in full force and effect on and after July 1, 1986, except subsection (4) of section 54-1223, Idaho Code, as enacted by this act, shall be in full force and effect on and after July 1, 1988.

Approved April 1, 1986.

CHAPTER 141
(S.B. No. 1390)

AN ACT

RELATING TO INCOME TAX CREDITS; AMENDING SECTION 63-3029B, IDAHO CODE, AS ENACTED BY CHAPTER 84, LAWS OF 1982, TO REDESIGNATE THE SECTION, AND TO PROVIDE FOR AN INCOME TAX CREDIT FOR CONTRIBUTIONS MADE TO A SPECIFIC REHABILITATION FACILITY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3029B, Idaho Code, as enacted by Chapter 84, Laws of 1982, be, and the same is hereby amended to read as follows:

63-3029BC. INCOME TAX CREDIT FOR REHABILITATION FACILITIES -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to the anchor house, to the Idaho youth ranch, to the north Idaho childrens' home, or to a nonprofit rehabilitation facility located within the state of Idaho.

(1) In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or one hundred dollars ($100), whichever is less.

(2) In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent (10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

For the purposes of this section, "nonprofit rehabilitation facility" means only a facility that is accredited by the commission on accreditation of rehabilitation facilities.

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, 1986.

Approved April 1, 1986.

CHAPTER 142
(S.B. No. 1401, As Amended)

AN ACT

RELATING TO FLOOD CONTROL DISTRICTS; AMENDING SECTION 42-3119, IDAHO CODE, TO PROVIDE THAT A FLOOD CONTROL DISTRICT MAY DISPOSE OF AGGREGATE THROUGH COMMERCIAL SALES OR BY DONATION AND TO PROVIDE A DEFINITION.

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

SECTION 1. That Section 42-3119, Idaho Code, be, and the same is hereby amended to read as follows:

42-3119. TITLE TO AND SALE OF WATERS -- DISPOSITION OF AGGREGATE. (1) The commissioners of any flood control district may in the manner provided by law obtain title to any unappropriated waters which said district has developed, conserved, or stored and said commissioners may sell, dispose, or use said waters within or without the said district in any manner which the commissioners shall decide is of the greatest advantage to the district. The powers herein granted to the commissioners shall not be denied them by reason of contrary provisions of any other statute, except that the district may not obtain title to any waters previously appropriated.

(2) If in the operation of the works of the flood control district or in the removal of natural obstructions from the beds of navigable lakes, rivers, and streams between the ordinary high water marks, the district acquires rock, sand or gravel aggregates, the district may dispose of such aggregate not needed for district purposes through commercial sales or by donation to public agencies. District purposes as used in this section shall include construction or reconstruction of dikes, levees, and related access facilities. If sold through commercial sales or used for nonflood control related improvements on private land, the fees required by chapter 7, title 47, Idaho Code, shall apply and shall be paid to the state board of land commissioners. If the aggregate is donated to any public agency for use by that public agency, no fees shall be imposed or collected.

(3) As used in this section, public agency means a state agency, county, municipality, or highway district.

Approved April 1, 1986.

CHAPTER 143
(S.B. No. 1406)

AN ACT

RELATING TO EMPLOYEE AND EMPLOYER CONTRIBUTIONS TO THE RETIREMENT SYSTEM; AMENDING SECTION 59-1304, IDAHO CODE, TO PROVIDE THAT EMPLOYEE CONTRIBUTIONS SHALL BE A PERCENT OF EMPLOYER CONTRIBUTIONS, AND TO PROVIDE AUTHORITY FOR THE RETIREMENT BOARD; AMENDING SECTION 59-1305, IDAHO CODE, TO PROVIDE THAT EMPLOYEE CONTRIBU-

TIONS SHALL BE A PERCENT OF EMPLOYER CONTRIBUTIONS; AND AMENDING SECTION 59-1330, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE LANGUAGE.

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

SECTION 1. That Section 59-1304, Idaho Code, be, and the same is hereby amended to read as follows:

59-1304. CONTRIBUTIONS FROM EMPLOYEES. The contribution for a member who is not classified as a police officer or fireman shall be ~~as follows:~~

~~For pay periods starting on or after: The rate shall be:~~
~~July 1, 1982 5.01 percent of salary;~~
~~October 1, 1982 5.05 percent of salary;~~
~~July 1, 1983 5.22 percent of salary;~~
~~October 1, 1983 5.26 percent of salary;~~
~~October 1, 1984 5.30 percent of salary;~~
~~October 1, 1985 5.34 percent of salary.~~
sixty percent (60%) of the employer contribution rate determined pursuant to section 59-1330, Idaho Code, and rounded to the nearest one hundredth percent (.01%) of salary; provided, however, that such member rate effective October 1, 1985, shall remain at five and thirty-four hundredths percent (5.34%) of salary until the first time after October 1, 1985, that the employer rate is changed from eight and eighty-nine hundredths percent (8.89%) of salary. The board is specifically authorized to certify to the state auditor the necessary adjustments in the rate of member contributions.

SECTION 2. That Section 59-1305, Idaho Code, be, and the same is hereby amended to read as follows:

59-1305. CONTRIBUTIONS -- FROM POLICEMEN AND FIREMEN. The contribution for a member who is classified as a police officer or fireman shall be ~~as follows:~~

~~For pay periods starting on or after: The rate shall be:~~
~~July 1, 1982 6.00 percent of salary;~~
~~October 1, 1982 6.05 percent of salary;~~
~~July 1, 1983 6.25 percent of salary;~~
~~October 1, 1983 6.30 percent of salary;~~
~~October 1, 1984 6.35 percent of salary;~~
~~October 1, 1985 6.40 percent of salary.~~
seventy-two percent (72%) of the employer contribution rate determined pursuant to section 59-1330, Idaho Code, and rounded to the nearest one hundredth percent (.01%) of salary; provided, however, that such member rate effective October 1, 1985, shall remain at six and forty hundredths percent (6.40%) of salary until the first time after October 1, 1985, that the employer rate is changed from eight and eighty-nine hundredths percent (8.89%) of salary. The board is specifically authorized to certify to the state auditor the necessary adjustments in the rate of member contributions.

SECTION 3. That Section 59-1330, Idaho Code, be, and the same is hereby amended to read as follows:

59-1330. EMPLOYER CONTRIBUTIONS -- AMOUNTS -- RATES. (1) Each employer shall contribute to the cost of the system. The amount of the employer contributions shall consist of the sum of a percentage of the salaries of members to be known as the "normal cost" and a percentage of such salaries to be known as the "amortization payment." The rates of such contributions shall be determined by the board on the basis of assets and liabilities as shown by actuarial valuation, and such rates shall remain effective until next determined by the board.

(2) The normal cost rate shall be computed to be sufficient, when applied to the actuarial present value of the future salary of the average new member entering the system, to provide for the payment of all prospective benefits in respect to such member which are not provided by the member's own contribution.

(3) The amortization payment rate shall not be less than that percentage, calculated as of the date of the most recent actuarial valuation, of the then actuarial present value of the annual salaries of all members in the system for the next forty (40) years which is equivalent to the excess of the then actuarial present value of all future benefits payable in respect of all members and contingent annuitants over the sum of (a), (b) and (c) as follows:

(a) the actuarial value of the assets then held by the funding agent for the payment of benefits under this act; and

(b) the actuarial present value of the future normal costs payable in respect of all then active members; and

(c) the actuarial present value of the future contributions payable under sections 59-1303--59-1305, Idaho Code, by all then active members.

~~(4)--Any contribution rate determined by the board--in--accordance with subsection (3) of this section shall reflect an increase of seven one-hundredths percent (0.07%) of the salaries of members on October 1 of each of the four (4) years 1982, 1983, 1984 and 1985.~~

Approved April 1, 1986.

CHAPTER 144
(S.B. No. 1411, As Amended in the House)

AN ACT

RELATING TO THE UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT; AMENDING SECTION 7-1049, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING SECTION 7-1056, IDAHO CODE, TO SPECIFY AUTHORIZED ENFORCEMENT OF SUPPORT ACTIONS; AMENDING SECTION 7-1059, IDAHO CODE, TO ALLOW THE DEPARTMENT OF HEALTH AND WELFARE TO REPRESENT THE OBLIGEE; AMENDING SECTION 7-1061, IDAHO CODE, TO DIRECT UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT PETITIONS TO THE PROPER OFFICIAL OF THE RESPONDING STATE; AMENDING SECTION 7-1064, IDAHO CODE, TO DEFINE ADDITIONAL DUTIES OF THE STATE INFORMATION AGENCY;

AMENDING SECTION 7-1065, IDAHO CODE, TO REQUIRE THAT THE STATE INFORMATION AGENCY RECEIVE AND FORWARD UNIFORM RECIPROCAL ENFORCEMENT OF SUPPORT ACT PETITIONS TO THE PROPER OFFICIAL; AMENDING SECTION 7-1066, IDAHO CODE, TO SPECIFY THE DUTIES OF THE RESPONDING OFFICIALS AND COURTS IN THE RESPONDING STATE; AMENDING SECTION 7-1071, IDAHO CODE, TO ALLOW TRANSFER OF A SUPPORT ORDER WITHIN A STATE, TO REQUIRE THAT CHILD SUPPORT PAYMENTS ON IV-D CASES BE MADE TO THE DEPARTMENT OF HEALTH AND WELFARE, AND REQUIRING THAT ALL SUPPORT ORDERS CONTAIN A WAGE WITHHOLDING PROVISION.

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

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

7-1049. DEFINITIONS. (a) "Bureau" means the bureau of child support enforcement, Idaho department of health and welfare.

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

(c) "Department" means the Idaho department of health and welfare.

(~~b~~d) "Duty of support" means a ~~duty of~~ legally enforceable obligation to provide for the support of a minor child or a spouse, whether imposed or imposable by law or by order, decree, administrative ruling from another jurisdiction, or judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, annulment, separation, separate maintenance, or otherwise, but not including payment of alimony, and includes the duty to pay arrearages of support.

(~~c~~e) "Governor" includes any person performing the functions of governor or the executive authority of any state covered by this act.

(~~d~~f) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

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

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

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

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

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

proceeding is commenced. "Responding official" means the prosecuting attorney or the official in the department to whom the case has been referred by the state information agency.

(l) "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support.

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

(~~k~~n) "Support order" means any judgment, decree, administrative ruling from another jurisdiction, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

(o) "Title IV-D agency" means the single and separate agency designated to enforce child support under an approved state plan pursuant to title IV-D of the social security act.

SECTION 2. That Section 7-1056, Idaho Code, be, and the same is hereby amended to read as follows:

7-1056. HOW DUTIES OF SUPPORT ARE ENFORCED. All duties of support, including the duty to pay arrearages, and amounts reimbursable to a state or political subdivision thereof, which has provided public assistance on behalf of a dependent child, are enforceable by a proceeding under this act ~~including--a--proceeding--for--civil--contempt~~. Actions authorized under this act include establishment of paternity, establishment of a support order, wage assignments, garnishment, liens, executions of liens, contempt proceedings, and any other collection or enforcement procedures. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

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

7-1059. OFFICIALS TO REPRESENT OBLIGEE. If this state is acting as an initiating state the prosecuting attorney shall represent the obligee in any proceeding under this act. If the prosecuting attorney neglects or refuses to represent the obligee the attorney general may order him to comply with the request of the court or will undertake the representation. If the obligee is a public agency to which support rights have been assigned, or an individual who has made application for IV-D child support enforcement services, the obligee shall be represented by the department of health and welfare. The department of health and welfare shall have the same civil powers, duties and functions as the prosecuting attorney in civil child support cases.

SECTION 4. That Section 7-1061, Idaho Code, be, and the same is hereby amended to read as follows:

7-1061. DUTY OF INITIATING COURT. If the initiating court finds that the complaint sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or his property it shall so certify and cause three (3) copies of the complaint and its certificate and one (1) copy of this act to be sent to the responding court or other proper official of the responding state. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court is unknown and the responding ~~court~~ state has an information agency comparable to that established in the initiating state, it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court or agency, and that the court or information agency of the responding state acknowledge their receipt to the initiating court.

SECTION 5. That Section 7-1064, Idaho Code, be, and the same is hereby amended to read as follows:

7-1064. STATE INFORMATION AGENCY. (a) The commissioner of public assistance is designated as the state information agency under this act, and he shall:

(1) compile a list of the courts and their addresses in this state having jurisdiction under this act and transmit it to the state information agency of every other state which has adopted this or a substantially similar act. Upon the adjournment of each session of the legislature the agency shall distribute copies of any amendments to the act and a statement of their effective date to all other state information agencies;

(2) maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in this state having jurisdiction under this act; ~~and~~

(3) receive incoming uniform reciprocal enforcement of support act petitions from other jurisdictions, and verify obligor's employment and address; and

(4) forward ~~to the court in this state which has jurisdiction over the obligor or his property~~ the petitions, certificates and copies of the act it receives from courts or information agencies of other states to the appropriate official in this state, along with the locate information.

(b) If the state information agency does not know the location of the obligor or his property in the state and no state location service is available it shall use all means at its disposal to obtain this information, including the examination of official records in the state and other sources such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices both state and federal where such offices are able to cooperate, and requests made to the social security administration as per-

mitted by the social security act as amended.

(c) ~~After the deposit of three (3) copies of the complaint and certificate and one (1) copy of the act of the initiating state with the clerk of the appropriate court, i~~If the state information agency knows or believes that the prosecuting attorney to whom a case was referred is not prosecuting the case diligently, it shall inform the attorney general, who may undertake the representation.

SECTION 6. That Section 7-1065, Idaho Code, be, and the same is hereby amended to read as follows:

7-1065. DUTY OF THE COURT AND OFFICIALS OF THIS STATE AS RESPONDING STATE. (a) ~~After the responding court receives copies of the complaint certificate and act from the initiating court the clerk of the court shall docket the case and notify the prosecuting attorney of his action~~ If the case is designated an IV-D case, the state information agency shall refer the case to the department of health and welfare, bureau of child support enforcement, which shall undertake representation of the obligee. The department of health and welfare shall have the same civil powers, duties, and functions as the prosecuting attorney in civil child support cases.

(b) ~~The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or his property and shall request the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with the law~~ If the case is not an IV-D case, the state information agency shall refer the case to the prosecuting attorney of the county which has jurisdiction over the obligor or the obligor's property, who shall undertake representation of the obligee.

(c) The official or agency to whom the case has been referred shall prosecute the case diligently, taking all action necessary in accordance with the laws of this state to enable the court to obtain jurisdiction over the obligor or the obligor's property.

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

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

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

(b) If the obligor or his property is not found in the county,

and the ~~prosecuting attorney~~ responding official discovers that the obligor or his property may be found in another county of this state or in another state, he shall forward the case to the county or state which has jurisdiction, or shall move the court for a change of venue if the matter has already been filed in court. Thereupon, the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this act apply to the recipient of the documents so forwarded. If the clerk of a court or responding official of this state forwards documents to another court, he shall forthwith notify the initiating court.

(c) If neither the ~~prosecuting attorney~~ state information agency nor the responding official has ~~no~~ information as to the location of the obligor or his property, ~~he shall so inform~~ the initiating court shall be so informed.

SECTION 8. That Section 7-1071, Idaho Code, be, and the same is hereby amended to read as follows:

7-1071. ORDER OF SUPPORT. If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. The court and prosecuting attorney of any county where the obligor is present or has property, or the department of health and welfare, have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the prosecuting attorney or the department of health and welfare shall transmit a certified copy of the order and the payment record to the county where it appears that procedures to enforce payment of the amount due would be effective. The clerk and prosecuting attorney, or the department of health and welfare, to whom the certified copies of the order and payment record are forwarded, shall proceed with enforcement and report the results of the proceedings to the initiating jurisdiction.

Support orders made pursuant to this act shall require that payments be made to the clerk of the court of the responding state if the obligee is not receiving child support enforcement services under title IV-D of the social security act; or to the department of health and welfare, if the obligee is receiving child support enforcement services under title IV-D of the social security act. Upon receipt of a payment made by the respondent, the clerk of the court, or department of health and welfare, shall immediately transmit the same to the initiating jurisdiction.

Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding, if arrearages at least equal to the support payable for one (1) month accumulate under the order, and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant

to this chapter, without further notice to the obligor, whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

Approved April 1, 1986.

CHAPTER 145
(S.B. No. 1412)

AN ACT

RELATING TO LIQUOR BY THE DRINK LICENSES; AMENDING SECTION 23-948, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A LIQUOR LICENSE TO WATERFRONT RESORTS.

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

SECTION 1. That Section 23-948, Idaho Code, be, and the same is hereby amended to read as follows:

23-948. ~~LAKE~~ WATERFRONT RESORTS -- LICENSING EVEN IF OUTSIDE CORPORATE LIMITS OF CITY ~~OR VILLAGE~~. (a) Nothing contained in section 23-903, Idaho Code, shall prohibit the issuance of a license to the owner, operator or lessee of ~~an actual bona--fide--lake~~ a waterfront resort, even if situated outside the incorporated limits of a city ~~or village. Provided, however, t~~. The provisions of section 23-910, Idaho Code, shall apply to licenses issued under the provisions of this section. For the purpose of this section, a ~~lake~~ waterfront resort shall comprise real property with not less than two hundred (200) feet of lake frontage upon a lake or reservoir as defined by the army corps of engineers of not less than one hundred and sixty (160) acres, or river frontage upon a river with at least an annual average daily flow of eleven thousand (11,000) cubic feet per second, and shall ~~have been used--for--not--less than three (3) years prior to the issuance of the license as a resort~~ be open to the public, where people assemble for the purpose of vacationing, boating or fishing, and each ~~lake~~ waterfront resort must have suitable docks ~~and facilities for the purpose of caring for vacationers and fishermen--and--accommodations--for not less than fifty (50) persons,~~ or permanent improved boat launching facilities not less than sixteen (16) feet in width on property owned or leased by the resort operator or on property contiguous thereto owned by this state or the federal government open to the public for recreational uses for the purpose of caring for vacationers, or other recreational users and either of the following:

(1) Hotel or motel accommodations for not less than fifty (50) persons, including a full service restaurant which serves regu-

larly at least two (2) meals per day to the public during a continuous period of at least four (4) months per year; or

(2) A building of not less than three thousand (3,000) square feet of public use floor space, including a full service restaurant which serves regularly at least two (2) meals per day to the public during a continuous period of at least four (4) months per year and paved or gravelled parking for fifty (50) automobiles on the operator's owned or leased property and any contiguous property upon which are the docks or boat launching facilities described above.

(b) The fees for licenses granted under the provisions of this section shall be the same as those prescribed for golf courses as set forth in section 23-904, Idaho Code, unless said resort be located within the corporate limits of a city or village, in which case the license fee shall be the same as for other licensees within such corporate limits.

(c) The provisions of this section shall not be construed to interfere with the privileges of the holder of a lake resort license issued under section 23-948, Idaho Code, prior to the effective date of this section.

Approved April 1, 1986.

CHAPTER 146
(S.B. No. 1413)

AN ACT

RELATING TO EMPLOYER CONTRIBUTIONS TO THE RETIREMENT SYSTEM; AMENDING SECTION 59-1330, IDAHO CODE, TO DECREASE THE ACTUARIAL FUNDING PERIOD TO THIRTY-FIVE YEARS IN 1987 AND TO THIRTY YEARS IN 1992, AND TO STRIKE OBSOLETE PROVISIONS.

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

SECTION 1. That Section 59-1330, Idaho Code, be, and the same is hereby amended to read as follows:

59-1330. EMPLOYER CONTRIBUTIONS -- AMOUNTS -- RATES. (1) Each employer shall contribute to the cost of the system. The amount of the employer contributions shall consist of the sum of a percentage of the salaries of members to be known as the "normal cost" and a percentage of such salaries to be known as the "amortization payment." The rates of such contributions shall be determined by the board on the basis of assets and liabilities as shown by actuarial valuation, and such rates shall remain effective until next determined by the board.

(2) The normal cost rate shall be computed to be sufficient, when applied to the actuarial present value of the future salary of the average new member entering the system, to provide for the payment of all prospective benefits in respect to such member which are not provided by the member's own contribution.

(3) The amortization payment rate shall not be less than that percentage, calculated as of the date of the most recent actuarial valuation, of the then actuarial present value of the annual salaries of all members in the system for the next ~~forty (40)~~ thirty-five (35) years starting January 1, 1987, and thirty (30) years starting January 1, 1992, which is equivalent to the excess of the then actuarial present value of all future benefits payable in respect of all members and contingent annuitants over the sum of (a), (b) and (c) as follows:

(a) the actuarial value of the assets then held by the funding agent for the payment of benefits under this act; and

(b) the actuarial present value of the future normal costs payable in respect of all then active members; and

(c) the actuarial present value of the future contributions payable under sections 59-1303--59-1305, Idaho Code, by all then active members.

~~(4)--Any contribution rate determined by the board--in--accordance with subsection (3) of this section shall reflect an increase of seven one-hundredths percent (0.07%) of the salaries of members on October 1 of each of the four (4) years 1982, 1983, 1984 and 1985.~~

Approved April 1, 1986.

CHAPTER 147
(S.B. No. 1422)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1302, IDAHO CODE, TO CLARIFY DEFINITIONS; AMENDING SECTION 59-1303A, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES; REPEALING SECTIONS 59-1310A AND 59-1310B, IDAHO CODE; AMENDING SECTION 59-1324, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AND AMENDING SECTION 59-1328, IDAHO CODE, TO PROVIDE AUTHORITY FOR THE BOARD TO SELECT FUNDING AGENTS.

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

SECTION 1. That Section 59-1302, Idaho Code, be, and the same is hereby amended to read as follows:

59-1302. DEFINITIONS. (1) As used in this act, each of the terms defined in this section shall have the meaning given in this section unless a different meaning is clearly required by the context.

(2) "Active member" means any employee who is not establishing the right to receive benefits ~~under any other retirement system operated wholly or in part by an agency of the state or political subdivision, but an employee shall be an active member if otherwise eligible:~~

~~(a)--in any case where the public employee retirement--system--has in--existence an agreement with another retirement system pursuant to which such an employee is allowed membership rights;~~

~~(b)--although a contingent annuitant under the optional retirement~~

~~allowances-as-provided-in-this-act-or-by-any-similar-provision--of any-other-retirement-act;~~

~~(c)--where--an--employee's-remuneration-is-paid-by-two-(2)-or-more governmental-units,-provided-that-with-respect-of-some-portion--of such--remuneration--the--employee-is-not-establishing-the-right-to receive-benefits-from-any-other-retirement-system-operated--wholly or--in--part-by-an-agency-of-the-state-or-a-political-subdivision. The-salaries-from-all-such-sources-shall-be-combined--and--treated as-though-the-salaries-were-paid-from-one-(1)-source-in-accordance with-the-rules-of-the-board;~~

~~(d)--in--any--case--where--an-employee-is-receiving-benefits-under another-retirement-system-operated-wholly-or-in-part-by-an--agency of--the-state-or-political-subdivision,-provided,-however,-that-in no-event-shall-such-employee-receive-any--benefit--provided--under this--act--for--service-performed-for-which-benefits-are-otherwise payable~~

through his or her employer's participation in any other retirement system established for Idaho public employees, if such participation is mandated by applicable Idaho statutes other than this chapter. In no case will an employee be entitled to any benefit under this chapter for public service if such employee is establishing retirement benefit entitlements by other Idaho statutes for that same service.

(3) "Accumulated contributions" means the sum of amounts contributed by a member of the system, together with regular interest credit thereon.

(4) "Actuarial equivalent" means a benefit equal in value to another benefit, when computed upon the basis of the actuarial tables in use by the system.

(5) "Actuarial tables" mean such tables as shall have been adopted by the board in accordance with recommendations of the actuary.

(5A) "Average monthly salary" means one-sixtieth (1/60) of a member's salary during any base period in which his salary is greater than or equal to his salary in any other base period. "Base period" means any period of sixty (60) consecutive months during which such member makes a like number of contributions pursuant to sections 59-1303--59-1305, Idaho Code. If no base period exists for a member, his average monthly salary shall be determined by the board, using standards not inconsistent with those established in this subsection. To assure equitable treatment for all members, salary increments inconsistent with usual compensation patterns may be disallowed by the board in determining average monthly salary.

(6) "Beneficiary" means the person who is nominated by the written designation of a member, duly executed and filed with the board, to receive the death benefit.

(7) "Calendar year" means twelve (12) calendar months commencing on the first day of January.

(8) "Credited service" means the aggregate of membership service, prior service and disabled service.

(9) "Date of establishment" means July 1, 1965 or a later date established by the board or statute.

(10) "Death benefit" means the amount, if any, payable upon the

death of a member.

(11) "Disability retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for disability retirement.

(12) "Disabled" shall have the meaning given in this subsection. A member shall be considered to be disabled if the board shall find, on the basis of medical evidence:

(a) that he is prevented from engaging in any occupation or employment for remuneration or profit as a result of bodily injury or disease, either occupational or nonoccupational in cause, but excluding disabilities resulting from service in the armed forces of any country, or from an intentionally self-inflicted injury; and

(b) that he will remain so disabled permanently and continuously during the remainder of his life.

Refusal to submit to a medical examination ordered by the board before the commencement of a disability retirement allowance or at any reasonable time thereafter shall constitute proof that the member is not disabled. The board shall be empowered to select for such medical examination one (1) or more physicians or surgeons who are licensed to practice medicine and perform surgery. The fees and expenses of such examination shall be paid from the administration account of the fund. No member shall be required to undergo such examination more often than once each year after he has received a disability retirement allowance continuously for two (2) years.

(12A) "Disabled service" means the total number of months elapsing from the first day of the month next succeeding the final contribution of a member prior to receiving a disability retirement allowance to the first day of the month following the date of termination of such disability retirement allowance. During such period, the member shall remain classified in the membership category held during the month of final contribution. The total number of months of disabled service credited for a person first becoming disabled after the effective date of this act shall not exceed the excess, if any, of three hundred sixty (360) over the total number of months of prior service and membership service.

(13) "Early retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for early retirement.

(14) (A) "Employee" means:

(a) any person who normally works in excess of twenty (20) hours per week for an employer and who receives salary for services rendered for such employer; or

(b) elected officials or appointed officials of an employer.

(B) "Employee" does not include:

(a) persons rendering service to an employer in the capacity of an independent business, trade or profession; or

(b) seasonal, emergency or casual workers whose employment with any employer does not total five (5) consecutive months; or

(c) persons provided sheltered employment or made-work by a public employer in an employment or industries program maintained for the benefit of such persons; or

(d) inmates of a state institution or persons enrolled full time in a state institution principally for purposes of training, whether or not receiving compensation for services performed for the institution; or

(e) persons making contributions to the United States civil service commission under the United States Civil Service System Retirement Act except that those persons who receive separate remuneration for work currently performed for an employer and the United States government may elect to be members of the retirement system in accordance with rules of the board.

(15) "Employer" means the state of Idaho, or any political subdivision or governmental entity, provided such subdivision or entity has elected to come into the system. Governmental entity means any organization composed of units of government of Idaho or organizations funded only by government or employee contributions or organizations who discharge governmental responsibilities or proprietary responsibilities that would otherwise be performed by government. All governmental entities are deemed to be political subdivisions for the purpose of this act.

(15A) "Final contribution" means the final contribution made by a member pursuant to sections 59-1303--59-1305, Idaho Code.

(16) "Fireman" means an employee whose primary occupation is that of preventing and extinguishing fires as determined by the rules of the board.

(17) "Fiscal year" means the period beginning on July 1 in any year and ending on June 30 of the next succeeding year.

(18) "Fund" means the public employee retirement fund established by this act.

(19) "Funding agent" means any bank or banks, trust company or trust companies, legal reserve life insurance company or legal reserve life insurance companies, or combinations thereof, selected by the board to hold and/or invest the employers' and members' contributions and pay certain benefits granted under this act.

(20) "Inactive member" means a former active member who is not an employee and is not receiving any form of retirement allowance, but for whom a separation benefit has not become payable.

(21) "Member" means an active member, inactive member or a retired member.

(22) "Membership service" means service with respect to which contributions are payable under sections 59-1303--59-1305, Idaho Code, and military service which occurs after the commencement of such contributions.

(23) "Military service" means active duty service in the armed forces of the United States. For the purposes of this act, military service shall not include any period ended by dishonorable discharge or during which termination of such service is available but not accepted, nor shall it include any period which commences more than ninety (90) days after the person ceases to be an employee or ends more than ninety (90) days before the person again becomes an employee unless such ninety (90) day requirements are waived by the board due to circumstances beyond the employee's control.

(24) (a) "Police officer" for retirement purposes shall be as

defined in section 59-1302A, Idaho Code.

(b) "POST" means the Idaho peace officer standards and training council established in chapter 51, title 19, Idaho Code.

(25) "Prior service" means any period prior to July 1, 1965 of military service or of employment for the state of Idaho or any political subdivision or other employer of each employee who is an active member or in military service or on leave of absence on the date of establishment, provided, however, an employee who was not an active member or in military service or on leave of absence on the date of establishment shall receive credit for his service prior to July 1, 1965 on the basis of recognizing two (2) months of such service for each month of membership service. For the purpose of computing such service, no deduction shall be made for any continuous period of absence from service or military service of six (6) months or less.

(26) "Regular interest" means interest at the rate set from time to time by the board.

(27) "Retired member" means a former active member receiving a retirement allowance.

(28) "Retirement" means the acceptance of a retirement allowance under this act upon termination of employment.

(29) "Retirement board" or "board" means the board provided for in sections 59-1326--59-1329, Idaho Code, to administer the retirement system.

(30) "Retirement system" or "system" means the public employee retirement system of Idaho.

(31) "Salary" means the total salary or wages payable by all employers to an active member for personal services currently performed, including the cash value of all remuneration in any medium other than cash in the amount reported by all employers for income tax purposes and also including the amount of any voluntary reduction in salary agreed to by the member and employer where the reduction is used as an alternative form of remuneration to the member.

(32) "Separation benefit" means the amount, if any, payable upon or subsequent to separation from service.

(33) "Service" means personal service rendered to an employer for a salary. Service of fifteen (15) days or more during any calendar month shall be credited as one (1) month of service. Service of fourteen (14) days or less during any calendar month shall not be credited. No more than one (1) month of service shall be credited for all service in any month.

(34) "Service retirement allowance" means the periodic payment becoming payable upon an active member's ceasing to be an employee while eligible for service retirement.

(35) "State" means the state of Idaho.

(36) "Vested retirement allowance" means the periodic payment becoming payable upon an inactive member's becoming eligible for vested retirement.

(37) The masculine pronoun, wherever used, shall include the feminine pronoun.

SECTION 2. That Section 59-1303A, Idaho Code, be, and the same is hereby amended 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 sections 59-1303 and 72-1411, 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.

SECTION 3. That Sections 59-1310A and 59-1310B, Idaho Code, be, and the same are hereby repealed.

SECTION 4. That Section 59-1324, Idaho Code, be, and the same is hereby amended to read as follows:

59-1324. COMPUTATION OF DEATH BENEFITS -- METHOD OF PAYMENT -- OPTIONAL DEATH BENEFIT. (1) The death benefit of an active or inactive member shall equal the excess, if any, of the member's accumulated contributions at the time the benefit becomes payable over the aggregate of all retirement allowance payments ever made to the deceased member. The death benefit of a retired member, except as provided by section 59-1317, Idaho Code, shall equal the excess, if any, of the member's accumulated contributions at the time the member retired over the aggregate of all retirement allowance payments ever made to the deceased member.

(2) The death benefit, if any, will be paid to the beneficiary surviving the member; otherwise, it will be paid in accordance with the laws of descent and distribution of the state of Idaho as they may then be in effect.

(3) Upon the death of a member who has at least five (5) years of credited service and is: (a) active; or (b) inactive and eligible to receive a retirement allowance; or (c) ~~receiving~~ a disability ~~retirement allowance~~ retired member; his beneficiary may elect, in lieu of any death benefit otherwise payable, an allowance to be paid to the member's surviving spouse as provided in option 1 under section 59-1317, Idaho Code. The initial retirement allowance upon which such optional retirement allowance is based shall be calculated as if the member had retired immediately before his death. If the member is not then eligible to receive a service or early retirement allowance, such initial retirement allowance shall equal the actuarial equivalent of the retirement allowance payable when the member would first be eligible for vested retirement, calculated as if he had separated from service immediately before his death.

SECTION 5. That Section 59-1328, Idaho Code, be, and the same is hereby amended to read as follows:

59-1328. SELECTION OF FUNDING AGENT(S) -- INVESTMENT OF ASSETS -- TAX EXEMPTION. (1) The board shall select the funding agent(s) and establish a medium for funding, which may be a self-administration pension trust fund or a group annuity contract, or combination thereof. The contract shall authorize the funding agent(s) to hold and, subject to the provisions of subsections (2) and (3) of this section, to invest moneys for the system and to provide the retirement benefits and death benefits for retired members granted by this act.

(2) The board is authorized to select investment managers registered with the Securities and Exchange Commission to invest, reinvest and otherwise manage, subject to the restrictions outlined in subsection (3) of this section, such portions of the assets of the fund as are assigned by the board and are held by a funding agent(s) designated by the board.

(3) The funding agent(s) and investment managers, in acquiring, investing, reinvesting, exchanging, retaining, selling and managing the moneys and properties of the system, shall be governed by the Prudent Man Investment Act, ~~Idaho Code~~ sections 68-501 ~~to~~ through 68-506, ~~inclusive~~ Idaho Code; provided, however, that the board is hereby authorized and empowered, in its sole discretion, to limit, control and designate the types, kinds and amounts of such investments. The funding agent(s) will not be required to segregate moneys applicable to individual employees or employers, but shall only be responsible for the aggregate of such moneys as are received by it.

(~~2~~4) All contributions paid to the funding agent(s) shall be construed as being exempt from premium taxes payable pursuant to section 41-402 ~~of the~~, Idaho Code.

Approved April 1, 1986.

CHAPTER 148
(S.B. No. 1425)

AN ACT

RELATING TO HAZARDOUS WASTE; AMENDING SECTION 39-4403, IDAHO CODE, TO FURTHER DEFINE "RCRA"; AMENDINC SECTION 39-4405, IDAHO CODE, TO AUTHORIZE THE BOARD OF HEALTH AND WELFARE TO ADOPT RULES AND REGULATIONS TO REGULATE PERSONS WHO PRODUCE, BURN, DISTRIBUTE, AND MARKET FUEL CONTAINING HAZARDOUS WASTE AND TO AUTHORIZE THE BOARD OF HEALTH AND WELFARE TO ADOPT RULES AND REGULATIONS REGULATING UNDERGROUND STORAGE TANKS; AMENDING SECTION 39-4408, IDAHO CODE, TO PROHIBIT DISPOSAL OF LIQUIDS IN LANDFILLS UNLESS CERTAIN CRITERIA FOR EXCEPTIONS ARE MET, TO PROHIBIT USE OF WASTE OIL MIXED WITH HAZARDOUS WASTE FOR DUST SUPPRESSION, AND TO AUTHORIZE THE BOARD OF HEALTH AND WELFARE TO PROHIBIT LAND DISPOSAL OR STORAGE OF ANY HAZARDOUS WASTE WITH CERTAIN EXCEPTIONS; AMENDING SECTION

39-4409, IDAHO CODE, TO ALLOW PERMITS FOR HAZARDOUS WASTE TREATMENT, STORAGE, OR DISPOSAL FACILITIES TO CONTAIN ANY CONDITIONS NECESSARY TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT, TO AUTHORIZE THE BOARD OF HEALTH AND WELFARE TO ADOPT RULES AND REGULATIONS REGARDING INTERIM STATUS AND EVIDENCE OF FINANCIAL RESPONSIBILITY FOR CORRECTIVE ACTION ON-SITE AND OFF-SITE, TO ALLOW PERMITS TO BE REVIEWED AND MODIFIED EVERY FIVE YEARS, TO REQUIRE PERMITS TO INCLUDE PROVISIONS FOR CORRECTIVE ACTION TO BE TAKEN ON-SITE AND OFF-SITE FOR ALL HAZARDOUS WASTE RELEASES AT THE FACILITY, AND TO PROVIDE FOR REISSUANCE OF CERTAIN PERMITS; AMENDING SECTION 39-4411, IDAHO CODE, TO PROVIDE THAT ANY INFORMATION OBTAINED UNDER CHAPTER 44, TITLE 39, IDAHO CODE, IS AVAILABLE TO THE PUBLIC UNLESS IT IS CERTIFIED CONFIDENTIAL; AND AMENDING SECTION 39-4413, IDAHO CODE, TO REVISE ENFORCEMENT PROCEDURES CONCERNING VIOLATIONS OF THE HAZARDOUS WASTE MANAGEMENT ACT OR ANY PERMIT, STANDARD, REGULATION, CONDITION, REQUIREMENT, COMPLIANCE AGREEMENT OR ORDER ISSUED OR PROMULGATED PURSUANT TO THE ACT, AND TO AUTHORIZE DIRECT CIVIL OR ADMINISTRATIVE ACTION AGAINST A GUARANTOR OF FINANCIAL RESPONSIBILITY.

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

SECTION 1. That Section 39-4403, Idaho Code, be, and the same is hereby amended to read as follows:

39-4403. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho board of health and welfare.

(2) "Commercial hazardous waste facility or site" means any hazardous waste facility whose primary business is the treatment, storage or disposal, for a fee or other consideration, of hazardous waste generated off-site by generators other than the owner and operator of the facility.

(3) "Department" means the Idaho department of health and welfare.

(4) "Director" means the director of the Idaho department of health and welfare or the director's authorized agent.

(5) "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.

(6) "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.

(7) "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 environ-

ment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitible, 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.

(8) "Hazardous waste management" means the systematic control of the collection, source separation, storage, treatment, transportation, processing, and disposal of hazardous wastes.

(9) "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.

(10) "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.

(11) "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) "RCRA" means the Resource Conservation and Recovery Act of 1976 as amended in 1978, ~~and~~ 1980 and 1984.

(13) "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.

(14) "Transportation" means the movement of any hazardous waste to or from a hazardous waste facility or site.

(15) "Transporter" means any person who transports a hazardous waste to or from a hazardous waste facility or site.

(16) "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.

(17) "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.

SECTION 2. That Section 39-4405, Idaho Code, be, and the same is hereby amended to read as follows:

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 board shall also adopt such rules and regulations as necessary to regulate persons who produce, burn, distribute, and market fuel containing hazardous waste. 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;

(8) Release detection, prevention and correction regulations applicable to all owners and operators of underground storage tanks, as may be necessary to protect human health and the environment.

SECTION 3. That Section 39-4408, Idaho Code, be, and the same is hereby amended to read as follows:

39-4408. UNAUTHORIZED TREATMENT, STORAGE, RELEASE, USE OR DISPOSAL OF HAZARDOUS WASTE PROHIBITED. (1) 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.

(2) Effective six (6) months after the effective date of this provision, nonhazardous liquids shall not be disposed of in a landfill for which a permit is required under section 39-4409, Idaho Code, or which is operating pursuant to interim status granted under section 3005(c) of RCRA, unless the owner or operator of the landfill demonstrates to the director that:

(a) The only reasonable alternative is placement in a landfill or unlined surface impoundment which contains or may contain hazardous waste; and

(b) Placement in the owner or operator's landfill will not present a risk of contamination of any existing or potential underground source of drinking water.

(3) Waste or used oil or other material which is contaminated or mixed with any hazardous waste, other than wastes identified solely on the basis of ignitibility, shall not be used for dust suppression or road treatment.

(4) The board shall have authority to prohibit:

(a) Land disposal of any hazardous waste; and

(b) Storage of any hazardous waste prohibited from land disposal, unless such storage is solely for the purpose of the accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

SECTION 4. That Section 39-4409, Idaho Code, be, and the same is hereby amended to read as follows:

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. Permits may contain such conditions necessary to protect human health and environment. 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.

(2) 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. The board may adopt such rules and regulations as necessary to:

(a) Allow other facilities to qualify for interim status;

(b) Require new units, replacement of existing units and lateral expansions of existing interim status facilities to comply with all regulations which apply to new facilities; and

(c) Provide for the termination of interim status.

(~~2~~3) 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) Evidence of financial responsibility for corrective action on-site and off-site;

(f) 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~~g) Emergency equipment and emergency response plans appropriate to the facilities and sites;

(~~g~~h) Public participation in the permitting process consistent with 42 U.S.C. section 6974(b).

(~~3~~4) Permits shall be issued for a period not to exceed ten (10) years or the maximum period allowed under RCRA, whichever is greater. However, permits may be reviewed at least every five (5) years and modified as necessary to take into account changes in this chapter or regulations promulgated pursuant to it and improvements in technology. 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.

(5) Any permit issued after the effective date of this provision shall require corrective action to be taken on-site and off-site for all releases of hazardous waste or constituents, from any solid waste management unit at the treatment, storage, or disposal facility seeking the permit, regardless of the time when the waste was placed in such unit. Permits issued from November 8, 1985, until the effective date of this provision shall be reissued to conform with this provision.

(~~4~~6) 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~~7) 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.

SECTION 5. That Section 39-4411, Idaho Code, be, and the same is hereby amended to read as follows:

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.

(3) Information obtained by the department or by agents, contractors, or other representatives of the department, under ~~the~~ any provisions of this ~~section and under section 39-4412, Idaho Code~~ chapter, 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.

(4) Each generator shall, at the discretion of the director, no later than thirty (30) days after the end of each calendar quarter submit a written report to the department including the following information:

(a) The types and quantities of hazardous wastes generated;

(b) The types and quantities of such wastes shipped for treatment and disposal by landfilling or other means of disposal;

(c) The types and quantities of such wastes remaining in storage at the end of the reporting period;

(d) Whether such wastes are destined for disposal or treatment in this state or whether such wastes are destined for disposal or treatment outside this state.

(5) The operator of each hazardous waste disposal facility or

site in the state shall, no later than thirty (30) days after the end of each calendar quarter, submit a written report to the department providing information on the types and quantities of wastes received which were generated in Idaho, and information on the types and quantities of wastes received which were generated in other states.

(6) Prior to December 31 of each year the department shall submit a report to the governor and the legislature detailing the types and quantities of hazardous wastes generated in this state, the types and quantities of such wastes shipped for treatment and disposal by landfilling or other means of disposal, the types and quantities of such wastes remaining in storage at the end of the most recent reporting period and the types and quantities of hazardous waste generated outside this state and shipped into this state for storage or disposal.

SECTION 6. That Section 39-4413, Idaho Code, be, and the same is hereby amended to read as follows:

39-4413. ENFORCEMENT PROCEDURES. (A) 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 actions may be taken:

(1) ADMINISTRATIVE ENFORCEMENT ACTIONS.

(a) ~~Departmental-Negotiated-Compliance-Proceedings.~~

~~i.~~ Notice. The director may commence ~~a---departmental~~ an administrative enforcement action by ~~giving-a-person-believed-to be-in-violation-of-the-law~~ issuing a written notice of violation. The notice of violation shall ~~state-with-reasonable~~ identify the alleged violation with 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~~, shall specify each provision of the act, rule, regulation, permit or order which has been violated, and shall state the amount of civil penalty claimed for each violation. The notice of violation shall inform the person to whom it is directed of an opportunity to confer with the director or the director's designee in a compliance conference concerning the alleged violation. A written response may be required within fifteen (15) days of receipt of the notice of violation by the person to whom it is directed.

~~2.~~(b) 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~~ receipt of notice, the recipient shall be entitled to a compliance conference. The conference shall be held within twenty (20) days of the date ~~the~~ of receipt of 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~~ upon between the parties. If a compliance conference is not requested, the director may proceed with a civil enforcement action as provided in subsection (3) of this section.

~~3.~~(c) Compliance Conference. The compliance conference shall provide an opportunity for ~~a~~ the recipient of a notice of violation to explain the circumstances of the alleged violation and, where appropriate, to present a proposal for remedying damage caused by the alleged violation and for assuring future compliance. If the recipient and the director agree on a plan to ~~bring the--recipient--into~~ remedy damage caused by the alleged violation and to assure future compliance, they may enter into a ~~voluntary compliance-agreement~~ consent order formalizing their ~~understanding~~ agreement. The ~~compliance--agreement~~ consent order may include a provisions for ~~the~~ payment of ~~state--costs--associated--with--the alleged--violation--and-monetary-assessments-in-lieu-of~~ any agreed 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~~ penalty.

~~4.~~(d) Effect of ~~Compliance-Agreement~~ Consent Order. A ~~compliance agreement~~ consent order shall be effective immediately upon ~~its being-signed~~ signing by both parties and shall preclude any civil enforcement action for the same alleged violation. If a party does not comply with the terms of the ~~compliance-agreement~~ consent order, the director may seek and obtain in any appropriate district court specific performance of the ~~agreement~~ consent order and such other relief as authorized ~~by--section--39-4414,--Idaho Code,--as--the-court-considers-to-be-just-and-reasonable-under-the circumstances~~ in this chapter.

(e) Failure to Reach Agreement on Consent Order. If the parties cannot reach agreement on a consent order within sixty (60) days after the receipt of the notice of violation, or if the recipient does not request a compliance conference pursuant to subsection (A)(1)(b) of this section, the director may commence and prosecute a civil enforcement action in district court, in accordance with subsection (A)(3) of this section.

(b2) ~~Permit--Suspension--or-Revocation-Proceedings~~ PERMIT SUSPENSION OR REVOCATION PROCEEDINGS.

~~1.~~(a) 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~~ consent order 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.~~(b) 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)~~(A)(2)(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.

~~3.~~(c) Administrative Hearing Provisions.

(i) Upon a timely request by a permit holder for a hearing to review the director's action under subsection ~~(1)~~(A)(2)(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 attendance 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~~3) CIVIL ENFORCEMENT ACTION. The ~~director~~ attorney general may commence and prosecute in district court a civil enforcement action. Civil enforcement actions shall be commenced and prosecuted in the district court in and for the county in which the alleged violation occurred, and may be brought against any person who is alleged to have violated any provision of this chapter or any rule, regulation, permit, ~~standard,--regulation,~~ condition, requirement, ~~compliance agreement~~ consent order, 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~~ brought to compel compliance with any provision of this chapter or with any rule, regulation, permit or order promulgated hereunder, and for any relief or remedies authorized in this chapter. The director shall not be

required to initiate or prosecute an administrative action before the attorney general may commencinge and prosecutinge a civil enforcement action. In addition, the attorney general may delegate this authority regarding civil enforcement actions to the prosecuting attorney of the county where a civil enforcement action may arise.

(B) ACTIONS AGAINST GUARANTORS. If the owner or operator is in bankruptcy, reorganization or other arrangement pursuant to the federal bankruptcy code, or where jurisdiction cannot be obtained over an owner or operator likely to be solvent at the time of judgment, an action may be brought directly against a guarantor of financial responsibility by the state or any injured party for any claim arising from conduct for which guarantees of financial responsibility have been made. The guarantor may invoke all rights and defenses which would have been available to the owner or operator and all rights and defenses normally available to the guarantor.

(3C) 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.

Approved April 1, 1986.

CHAPTER 149
(S.B. No. 1426)

AN ACT

RELATING TO CORPORATE TAKEOVERS; REPEALING CHAPTER 15, TITLE 30, IDAHO CODE; AMENDING TITLE 30, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 30, IDAHO CODE, TO PROVIDE FOR CORPORATE TAKEOVERS, TO PROVIDE A STATEMENT OF PURPOSE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR REGISTRATION OF TAKEOVER OFFERS, TO PROVIDE FOR FILING OF SOLICITATION MATERIALS, TO PROVIDE THAT FRAUDULENT AND DECEPTIVE PRACTICES ARE ILLEGAL, TO PROVIDE FOR LIMITATIONS ON OFFERORS AND TARGET COMPANIES, TO PROVIDE FOR ADMINISTRATION OF THE PROVISIONS OF THE CHAPTER, TO PROVIDE FOR FEES AND EXPENSES, TO PROVIDE FOR INJUNCTIONS, TO PROVIDE PENALTIES, TO PROVIDE FOR CIVIL LIABILITIES, TO PROVIDE FOR APPLICATION OF THE CORPORATE TAKEOVER LAW, TO PROVIDE FOR APPLICATION OF THE SECURITIES LAW, AND TO PROVIDE FOR THE EFFECT OF THE INVALIDITY OF PART OF THE CHAPTER.

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

SECTION 1. That Chapter 15, Title 30, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 30, Idaho Code, be, and the same is hereby

amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 15, Title 30, Idaho Code, and to read as follows:

CHAPTER 15
CORPORATE TAKEOVERS

30-1501. PURPOSE. The purpose of this chapter is to protect the interests of the people of the state of Idaho. It is not uncommon for certain takeovers to result in significant losses to the employees, suppliers and customers of target companies and the communities in which they operate. The provisions of this chapter are designed to protect the legitimate interests of stockholders residing in the state of Idaho without in any way conflicting with the Williams Act, as amended, of the Securities Exchange Act of 1934.

30-1502. DEFINITIONS. When used in this chapter, unless the context otherwise requires, the following words shall have the meanings herein ascribed to them.

(1) "Affiliate" of a person means any person controlling, controlled by, or under common control with such person.

(2) "Associate" of a person means any person acting jointly or in concert with such person for the purpose of acquiring, holding or disposing of, or exercising any voting rights attached to the equity securities of an insurer.

(3) "Beneficial owner" includes, but is not limited to, any person who directly or indirectly through any contract, arrangement, understanding, relationship, or otherwise has or shares the power to vote or direct the voting of a security and/or the power to dispose of, or direct the disposition of, the security. "Beneficial ownership" includes, but is not limited to, the right, exercisable within sixty (60) days, to acquire securities through the exercise of options, warrants, or rights or the conversion of convertible securities, or otherwise. The securities subject to these options, warrants, rights, or conversion privileges held by a person shall be deemed to be outstanding for the purpose of computing the percentge of outstanding securities of the class owned by this person, but shall not be deemed to be outstanding for the purpose of computing the percentage of the class owned by any other person. A person shall be deemed the beneficial owner of securities beneficially owned by any relative or spouse or relative of the spouse residing in the home of said person, any trust or estate in which said person owns ten per cent (10%) or more of the total beneficial interest or serves as trustee or executor, any corporation or entity in which said person owns ten per cent (10%) or more of the equity, and any affiliate or associate of said person.

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

(5) "Equity security" means any stock or similar voting security; or any security convertible, with or without consideration, into such a security; or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the director shall deem by rule or order to be of a

similar nature.

(6) "Offeree" means the beneficial owner, residing in Idaho, of equity securities which an offeror offers to acquire in connection with a takeover offer.

(7) "Offeror" means a person who makes or in any way participates in making a takeover offer. Offeror does not include any lender loaning funds to an offeror in the ordinary course of its business, or any bank, broker-dealer, attorney, accountant, consultant, employee, or other person furnishing information or advice to or performing ministerial duties for an offeror, and not otherwise participating in the takeover offer. When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, owning or voting securities of a target company, the syndicate or group is an "offeror".

(8) "Takeover offer" means the offer to acquire any equity securities of a target company from a resident of the state of Idaho pursuant to a tender offer or request or invitation for tenders, if after the acquisition of all securities acquired pursuant to the offer either (1) the offeror would be directly or indirectly a beneficial owner of ten per cent (10%) or more of any class of the outstanding equity securities of the target company and was directly or indirectly the beneficial owner of less than ten per cent (10%) of any class of the outstanding equity securities of the target company prior to the commencement of the offer; or (2) the beneficial ownership of the offeror of any class of the outstanding equity securities of the target company would be increased by more than ten per cent (10%) of that class and the offeror was directly or indirectly the beneficial owner of ten per cent (10%) or more of any class of the outstanding equity securities of the target company prior to the commencement of the offer. Takeover offer does not include:

(a) An offer in connection with the acquisition of a security which, together with all other acquisitions by the offeror of securities of the same class of equity securities of the issuer, would not result in the offeror having acquired more than two per cent (2%) of this class during the preceding twelve (12) month period;

(b) An offer by the issuer to acquire its own equity securities unless the offer is made during the pendency of a takeover offer by a person who is not an associate or affiliate of the issuer.

(9) "Target company" means an issuer of publicly traded equity securities which meets all of the following criteria:

(a) At least ten per cent (10%) of its equity securities are beneficially owned by residents of the state of Idaho;

(b) Has assets with a value in excess of ten million dollars ($10,000,000) located in the state of Idaho;

(c) Has a monthly payroll in the state of Idaho in excess of twenty-five thousand dollars ($25,000); and

(d) Has its corporate or operational headquarters located within the state of Idaho.

For the purposes of this chapter, an equity security is publicly traded if a trading market exists for the security at the time the offeror makes a takeover offer for the security. A trading market

exists if the security is traded on a national securities exchange or the over-the-counter market, whether or not registered pursuant to the Securities Exchange Act of 1934.

30-1503. REGISTRATION OF TAKEOVER OFFERS. (1) It is unlawful for any person to make a takeover offer or to acquire any equity securities pursuant to the offer, unless the offer is effective under this chapter. A takeover offer is effective when the offeror files with the director a registration statement containing the information prescribed in subsections (2) and (5) of this section. The offeror shall deliver by hand a copy of the registration statement to the target company at its principal office and publicly disclose the material terms of the proposed offer, not later than the date of filing of the registration statement.

(2) The registration statement shall be filed on forms prescribed by the director, and shall be accompanied by a consent by the offeror to service of process and the filing fee specified in section 30-1508, Idaho Code, and shall contain the following information:

(a) All of the information specified in subsection (5) of this section;

(b) Two (2) copies of all solicitation materials intended to be used in the takeover offer in the form proposed to be published or sent or delivered to offerees;

(c) If the offeror is other than a natural person, information concerning its organization and operations, including the year, form and jurisdiction of its organization, a description of each class of equity security and long-term debt, a description of the business conducted by the offeror and its subsidiaries and any material changes therein during the past three (3) years, a description of the location and character of the principal properties of the offeror and its subsidiaries, a description of any material pending legal or administrative proceedings in which the offeror or any of its subsidiaries is a party, the names of all persons directly or indirectly controlling the offeror, directors and executive officers of the offeror and their material business activities, their business affiliations during the past three (3) years and any material legal or administrative proceedings in which the controlling persons, directors, or executive officers are or were a party during the past three (3) years, and financial statements of the offeror in such form and for such period of time as the director may by rule prescribe;

(d) If the offeror is a natural person, information concerning his identity and background, including his business activities and affiliations during the past three (3) years, and a description of any material pending legal or administrative proceedings in which the offeror is a party, and financial statements of the offeror in such form and for such period of time as the director may by rule prescribe.

(3) Within three (3) calendar days of the date of filing the registration statement the director may by order summarily suspend the effectiveness of the takeover offer if the director determines that the registration statement does not contain all of the information

specified in subsections (2) and (5) of this section or that the takeover offer materials provided to offerees do not provide full disclosure to offerees of all material information concerning the takeover offer. The summary suspension shall remain in effect only until the determination following a hearing held pursuant to subsection (4) of this section.

(4) A hearing shall be scheduled by the director with respect to each suspension under this section and shall be held within ten (10) calendar days of the date of the suspension. The director may allow any interested party to appear at and participate in the hearing in a manner considered appropriate by the director. The director's determination made following the hearing shall be made within three (3) calendar days after such hearing has been completed but not more than sixteen (16) calendar days after the date of the summary suspension. The director may prescribe time limits that are shorter than those specified in this section by rule or order. If, based upon the hearing, the director finds that the registration statement does not contain all of the information provided in subsections (2) and (5) of this section or that the takeover offer materials provided to offerees do not provide full disclosure to offerees of all material information concerning the offer, or that the takeover offer is in material violation of any provision of this chapter, the director shall suspend the effectiveness of the takeover offer, subject to the right of the offeror to correct disclosure and other deficiencies identified by the director and to reinstitute the takeover offer.

(5) The form required to be filed in paragraph (a), subsection (2) of this section, shall contain the following information:

(a) The identity and background of all persons on whose behalf the acquisition of any equity security of the target company has been or is to be affected in relation to a takeover offer;

(b) The source and amount of funds or other consideration used or to be used in acquiring any equity security pursuant to the takeover offer including, if applicable, a statement describing any securities which are being offered in exchange for the equity securities of the target company, and if any part of the acquisition price is or will be represented by borrowed funds or other consideration, a description of the material terms of any financing arrangements and the names of the parties from whom the funds were borrowed;

(c) If the purpose of the acquisition is to gain control of the target company, a statement of plans or proposals which the person has, upon gaining control, to liquidate the issuer, sell its assets, effect its merger or consolidation, to change the location of its principal executive office or of a material portion of its business relationship with suppliers or customers or the communities in which it operates, or make any other major change in its business, corporate structure, management or personnel, and such other objective facts as would be substantially likely to affect a reasonable shareholder's evaluation of the takeover offer;

(d) The number of shares or units of any equity security of the issuer owned beneficially by the offeror and any affiliate or associate of the offeror, together with the name and address of

each affiliate or associate; and

(e) The material terms of any contract, arrangement, or understanding with any other person with respect to the equity securities of the issuer whereby the person filing the statement has or will acquire any interest in additional equity securities of the issuer, or is or will be obligated to transfer any interest in the equity securities to another.

30-1504. FILING OF SOLICITATION MATERIALS. Copies of all advertisements, circulars, letters or other materials published by the offeror or the target company, soliciting or requesting the acceptance or rejection of the takeover offer, shall be filed with the director and sent to the target company or offeror, respectively, not later than the time copies of such solicitation materials are first published or used or sent to offerees. The director may prohibit the use of any solicitation materials deemed false or misleading.

30-1505. FRAUDULENT AND DECEPTIVE PRACTICES. It is unlawful for any offeror or target company or any controlling person of an offeror or target company or any broker-dealer acting on behalf of an offeror or target company to engage in any fraudulent, deceptive or manipulative acts or practices in connection with a takeover offer. Fraudulent, deceptive and manipulative acts or practices include, without limitation:

(1) The publication or use in connection with the offer of a false statement of a material fact or the omission to state a material fact necessary to make the statements made not misleading;

(2) The sale by any controlling shareholders of a target company of any of their equity securities to the offeror for a consideration greater than that to be paid other stockholders pursuant to the offer or the purchase of any of the securities of a controlling shareholder of the target company by the offeror for a consideration greater than that to be paid other shareholders, pursuant to an agreement not disclosed to the other shareholders;

(3) The solicitation of any offeree for acceptance or rejection of a takeover offer or acquisition of any equity security pursuant to a takeover offer before the takeover offer is effective under this chapter or while the offer is suspended under this chapter.

Notwithstanding any contrary provisions of this chapter, during the time a takeover offer is suspended under this chapter, the offeror may distribute to offerees who are residents of the state of Idaho the takeover offer materials, and any amendments to the offer, if the following statement, printed in not less than 10-point bold face type, is affixed by the offeror or with the offeror's consent to the front cover of the materials: "The director of the Department of Finance, State of Idaho, has suspended the solicitation and effectiveness within the state of Idaho of the attached offering materials. Until further notice, the attached materials are sent for informative purposes only and are not a solicitation to purchase shares." During the time any takeover offer is suspended under this chapter, if the offeror elects to distribute materials to offerees who are residents of the state of Idaho for informational purposes, the target company

may distribute to offerees who are residents of the state of Idaho a statement of the target company's position with respect to the takeover offer and the takeover offer materials, if the following statement, printed in not less than 10-point bold face type, is attached to the front cover of the target company's communication: "The director of the Department of Finance, State of Idaho, has suspended the solicitation and effectiveness within the State of Idaho of the offer addressed herein. Until further notice, the attached materials are sent for informative purposes only and are not a solicitation to reject or accept the offer."

30-1506. LIMITATIONS ON OFFERORS AND TARGET COMPANIES. (1) No offeror may make a takeover offer which is not made to stockholders in the state of Idaho on substantially the same terms as the offer is made to stockholders outside the state of Idaho.

(2) An offeror shall provide that any equity securities of a target company deposited or tendered pursuant to a takeover offer may be withdrawn by or on behalf of any offeree at any time within seven (7) days from the date the offer has become effective under this chapter and after sixty (60) days from the date the offer has become effective under this chapter except as the director may otherwise prescribe by rule or order for the protection of investors.

(3) No offeror may make a takeover offer or acquire any equity securities in the state of Idaho pursuant to the takeover offer, at any time when any proceeding by the director is pending against the offeror alleging a violation of any provision of this chapter.

(4) No offeror may acquire from any resident of the state of Idaho in any manner any equity securities of any class of a target company at any time within two (2) years following the last purchase of securities pursuant to a takeover offer with respect to that class including, but not limited to, acquisitions made by purchase, exchange, merger, consolidation, partial or complete liquidation, redemption, reverse stock split, recapitalization, reorganization or any other similar transaction, unless the resident is afforded, at the time of the acquisition, a reasonable opportunity to dispose of the securities to the offeror upon substantially equivalent terms as those provided in the earlier takeover offer.

(5) A target company incorporated under the laws of the state of Idaho shall not preclude an offeror who is a stockholder of record to examine its list of stockholders, and to make extracts therefrom, pursuant to the applicable statutes and rules of the state of Idaho and the United States, for the purpose of making a takeover offer in compliance with the provisions of this chapter, or in lieu thereof, to mail any solicitation materials published by the offeror to its security holders with reasonable promptness after receipt from the offeror of such materials together with the reasonable expenses of postage and handling.

30-1507. ADMINISTRATION, RULES AND ORDERS. (1) In administering the provisions of this chapter, the director may exercise all powers granted to him under chapter 14, title 30, Idaho Code, which are not inconsistent with this chapter.

(2) The director may make and adopt such rules and forms as are necessary to carry out the purposes of this chapter including, without limitation, rules defining terms used in this chapter.

(3) The director may by rule or order exempt from any provisions of this chapter any proposed takeover offer or any category or type of takeover offer which the director determines does not have the purpose or effect of changing or influencing the control of a target company or where he determines that compliance with the provisions of this chapter is not necessary for the protection of the offerees.

30-1508. FEES AND EXPENSES. For filing a registration of a takeover offer, a fee shall be paid to the director of one thousand dollars ($1,000) plus a fee equal to one-tenth of one per cent (.1%) of the par or stated value of the equity securities of the target company as of the date the registration is filed, up to a maximum of five thousand dollars ($5,000). The expenses reasonably attributable to any hearing shall be charged ratably to the offeror and the target company. Payment shall be made within thirty (30) days of receiving a statement of hearing expense and at the discretion of the director, may be made payable to those persons submitting bills for expenses relating to the hearing.

30-1509. INJUNCTIONS. Whenever it appears to the director that any person, including a controlling person of an offeror or target company, has engaged or is about to engage in any act or practice constituting a violation of this chapter or any rule or order hereunder, (1) he may issue and cause to be served upon any person violating any of the provisions of this chapter an order requiring the person guilty therof to cease and desist therefrom; and (2) he may bring an action in the district court of the appropriate county to enjoin the acts or practices and to enforce compliance with the provisions of this chapter or any rule or order hereunder, or he may refer the matter to the attorney general or the prosecuting attorney of the appropriate county. Upon a proper showing, the court may grant a permanent or temporary injunction or restraining order and may order rescission of any sales or purchases of securities determined to be unlawful under this chapter or any rule or order hereunder. The court may not require the director to post a bond.

30-1510. PENALTIES. (1) Any person, including a controlling person or an offeror or target company, who willfully violates any provision of this chapter or any rule hereunder, or any order of the director of which this person has notice, may be fined not more than twenty-five thousand dollars ($25,000) or imprisoned not more than five (5) years or both. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned under this chapter more than six (6) years after the alleged violation.

(2) The director may refer such evidence as is available concerning violations of the provisions of this chapter or of any rule or order hereunder to the attorney general or the county prosecuting

attorney of the appropriate county who may, with or without any reference, institute the appropriate criminal proceedings under this chapter. If referred to a county attorney, he shall within ninety (90) days file with the director a statement concerning any action taken or, if no action has been taken, the reasons therefor.

(3) Nothing in this chapter limits the power of the state of Idaho to punish any person for any conduct which constitutes a crime under any other statute.

(4) All shares of a target company incorporated under the laws of this state acquired from an Idaho resident in violation of any provision of this chapter or any rule hereunder, or any order of the director of which the person has notice, shall be denied voting rights for one (1) year after acquisition, the shares shall be nontransferable on the books of the target company for one (1) year after acquisition and the target company shall, during this one (1) year period, have the option to call the shares for redemption at the price at which the shares were acquired. Such a redemption shall occur on the date set in the call notice but not later than sixty (60) days after the call notice is given.

(5) Offerors, offerees, and target companies may sue at law or equity to enforce the provisions of this chapter.

30-1511. CIVIL LIABILITIES. (1) Any offeror who purchases a security in connection with a takeover offer in violation of the provisions of this chapter shall be liable to the person selling the security to him who may sue either at law or in equity. In an action for rescission the seller shall be entitled to recover the security, plus any income received by the purchaser thereon, upon tender of the consideration received. Tender requires only notice of willingness to pay the amount specified in exchange for the security. Any notice may be given by service as in civil actions or by certified mail to the last known address of the person liable. Damages are the excess of either the value of the security on the date of purchase or its present value, whichever is greater, over the present value of the consideration received for the security.

(2) Every person who directly or indirectly controls a person liable under subsection (1) of this section, every partner, principal executive officer or director of such person, every person occupying a similar status or performing similar functions, every employee of such person who materially aids in the act or transaction constituting the violation, and every broker-dealer or agent who materially aids in the act or transaction constituting the violation, is also liable jointly or severally with and to the same extent as such person, unless the person who would otherwise be so liable proves that he did not know, and in the exercise of reasonable care could not have known, of the existence of the facts by reason of which the liability is alleged to exist. There is contribution as in cases of contract among the several persons so liable.

(3) No action may be maintained under this section unless commenced before the expiration of three (3) years after the act or transaction constituting the violation or the expiration of one (1) year after the discovery of the facts constituting the violation,

whichever first expires.

(4) The rights and remedies under this chapter are in addition to any rights or remedies that may exist at law or in equity.

30-1512. APPLICATION OF CORPORATE TAKEOVER LAW. If the target company is an insurance company subject to regulation by the director of the department of insurance, a banking corporation subject to regulation by the director of the department of finance, a savings and loan association subject to regulation by the director of the department of finance, or a public utility subject to regulation by the public utilities commission or a holding company of any of the foregoing regulated industries, the director shall promptly furnish a copy of the registration statement filed under this chapter to the regulatory agency having supervision of the target company. Any hearing under this chapter involving any such target company shall be held jointly with the regulatory agency having supervision, and any determination following the hearing shall be made jointly with that regulatory agency.

30-1513. APPLICATION OF SECURITIES LAW. All of the provisions of chapter 14, title 30, Idaho Code, which are not in conflict with this chapter shall apply to any takeover offer involving a target company in the state of Idaho.

30-1514. EFFECT OF INVALIDITY OF PART OF THIS CHAPTER. If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this chapter, such judgment or decree shall not affect, impair, invalidate or nullify the remainder of this chapter, but the effect thereof shall be confined to the clause, sentence, paragraph, section or part of this chapter so adjudged to be invalid or unconstitutional.

Approved April 1, 1986.

CHAPTER 150
(S.B. No. 1431, As Amended)

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE ADMINISTRATOR OF THE DIVISION OF INSURANCE MANAGEMENT IN THE DEPARTMENT OF ADMINISTRATION; AMENDING SECTION 67-5761, IDAHO CODE, TO PROVIDE THAT NO POLICY OR CONTRACT OF INSURANCE WHICH PROVIDES COVERAGE OR BENEFITS FOR PERSONNEL, DEPENDENTS OF PERSONNEL, OR RETIRED PERSONNEL SHALL CREATE ANY VESTED RIGHT OR BENEFIT FOR THE RETIRED PERSONNEL IN RETIREE GROUP INSURANCE COVERAGES; 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. 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. No policy or contract negotiated by the administrator which provides coverage or benefits for personnel, dependents of personnel, or retired personnel shall create any vested right or benefit for the retired personnel in retiree group insurance coverages.

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, 1986.

CHAPTER 151
(S.B. No. 1432)

AN ACT

RELATING TO THE IDAHO STATE BUILDING AUTHORITY; AMENDING SECTION 67-6409, IDAHO CODE, TO CLARIFY THE PERMISSIBLE INVESTMENTS OF THE IDAHO STATE BUILDING AUTHORITY.

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

SECTION 1. That Section 67-6409, Idaho Code, be, and the same is hereby amended to read as follows:

67-6409. GENERAL POWERS OF THE AUTHORITY. The authority is hereby granted, has and may exercise all powers necessary or appropriate to carry out and effectuate its corporate purposes, including, without limitation, the following:

(a) sue and be sued in its own name;

(b) have an official seal and to alter the same at pleasure;

(c) have perpetual succession;

(d) maintain an office at such place or places within this state as it may designate;

(e) adopt and from time to time amend and repeal by-laws and rules and regulations, not inconsistent with this chapter, to carry into effect the powers and purposes of the authority and the conduct of its business;

(f) make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions;

(g) acquire real or personal property, or any interest therein, on either a temporary or long term basis in the name of the authority by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage interest owned by it or under its control, custody or in its possession and release or relinquish any right, title,

claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it and to do any of the foregoing by public sale, with such public bidding as shall be required by the provisions of any other law;

(h) to lease or rent any lands, buildings, structures, facilities or equipment from private parties to effectuate the purposes of this act;

(i) to enter into agreements or other transactions with and accept grants and the cooperation of the United States or any agency thereof or of the state of Idaho or any agency or governmental subdivision thereof in furtherance of the purposes of this act, including but not limited to the development, maintenance, operation and financing of any facility and to do any and all things necessary in order to avail itself of such aid and cooperation;

(j) to receive and accept aid or contributions from any source of money, property, labor or other things of value, to be held, used and applied to carry out the purposes of this act subject to such conditions upon which such grants and contributions may be made, including, but not limited to, gifts or grants from any department or agency of the United States or this state for any purpose consistent with this act;

(k) to employ architects, engineers, attorneys, accountants, building construction and financial experts and such other advisors, consultants and agents as may be necessary in its judgment and to fix their compensation;

(l) to procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as it deems desirable;

(m) to invest any funds not needed for immediate use ~~of~~ or disbursement, including any funds held in reserve, in ~~property or securities in which a bank, as defined in section 26-102, Idaho Code, may legally invest funds;~~:

(1) bonds, notes and other obligations of the United States or any agency or instrumentality thereof and other securities secured by such bonds, notes or other obligation;

(2) money market funds which are insured or the assets of which are limited to obligations of the United States or any agency or instrumentality thereof;

(3) time certificates of deposit and savings accounts;

(4) commercial paper which, at the time of its purchase, is rated in the highest category by a nationally recognized rating service; and

(5) property or securities in which the state treasurer may invest funds in the state treasury pursuant to section 67-1210, Idaho Code.

(n) to borrow money and issue bonds and notes or other evidences of indebtedness thereof as hereinafter provided;

(o) to the extent permitted under its contract with the holders of bonds, notes and other obligations of the authority to consent to any modification of any contract, lease or agreement of any kind to which the authority is a party;

(p) to manage or operate real and personal property, in the

state, take assignments of leases and rentals, proceed with foreclosure actions, or take any other action necessary or incidental to the performance of its corporate duties;

(q) to make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter;

(r) to plan, carry out, acquire, lease and operate facilities and to provide for the construction, reconstruction, improvement, alteration or repair of any facility or part thereof;

(s) to sell, lease, rent or sublease to any state body, any facility or any space embraced in any facility constructed or leased under this act, to establish and revise the rents or charges therefor and to do any other acts necessary to the management and operation of its facilities;

(t) to do any act necessary or convenient to the exercise of the powers herein granted or reasonably implied therefrom.

Approved April 1, 1986.

CHAPTER 152
(S.B. No. 1435)

AN ACT

RELATING TO CHILD SUPPORT; AMENDING SECTION 56-231, IDAHO CODE, TO AUTHORIZE DISCLOSURE OF FINANCIAL INFORMATION FOR CHILD SUPPORT PURPOSES, TO AUTHORIZE DISCLOSURE BY BUSINESSES AND FINANCIAL ENTITIES FOR CHILD SUPPORT ENFORCEMENT PURPOSES, AND TO PROHIBIT SANCTIONS AGAINST BUSINESSES AND FINANCIAL ENTITIES FOR FAILURE TO DISCLOSE UNLESS A SUBPOENA HAS BEEN ISSUED.

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

SECTION 1. That Section 56-231, Idaho Code, be, and the same is hereby amended to read as follows:

56-231. PUBLIC ASSISTANCE IN LOCATING AND DETERMINING THE FINANCIAL RESOURCES OF PARENTS AND OTHER PERSONS LIABLE FOR SUPPORT OF DEPENDENTS. To assist in locating and determining the financial resources of parents who have deserted their children and other persons liable for support of dependents, the department of health and welfare and county prosecuting attorneys may request and shall receive information from the records of all departments, boards, bureaus or other agencies of this state, and may request and may receive information from businesses and financial entities; and the same are authorized to provide such information as is necessary for this purpose, notwithstanding any other provision of law making the information confidential. There shall be no legal sanctions imposed against a business or financial entity which refuses to provide requested information, unless the business or financial entity has been served with a subpoena requesting the information. Only information directly bearing

on the identity, financial resources, and whereabouts of a person owing or asserted to be owing an obligation of support shall be requested and used or transmitted by the department of health and welfare and county prosecuting attorneys pursuant to the authority conferred by this act. The department of health and welfare and county prosecuting attorneys may make such information available only to public officials and agencies of this state, other states and the political subdivisions of this state and other states seeking to locate parents who have deserted their children and other persons liable for support of dependents for the purpose of enforcing their liability for support.

Approved April 1, 1986.

CHAPTER 153
(S.B. No. 1441, As Amended)

AN ACT

RELATING TO A BICENTENNIAL CONSTITUTIONAL COMMISSION; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 30, TITLE 67, IDAHO CODE, TO ESTABLISH THE CONSTITUTIONAL BICENTENNIAL COMMISSION OF IDAHO TO PLAN AND DEVELOP IDAHO'S PARTICIPATION IN THE BICENTENNIAL COMMEMORATION OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES; TO PROVIDE FOR THE APPOINTMENT OF MEMBERS, TO PROVIDE THE POWERS AND DUTIES OF THE COMMISSION, TO PROVIDE FOR MEETINGS AND HEARINGS, AND TO CREATE THE CONSTITUTIONAL BICENTENNIAL COMMISSION OF IDAHO ACCOUNT; DECLARING AN EMERGENCY AND PROVIDING A SUNSET CLAUSE.

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

SECTION 1. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 30, Title 67, Idaho Code, and to read as follows:

CHAPTER 30
BICENTENNIAL CONSTITUTIONAL COMMISSION

67-3001. PURPOSE. The purpose of this act is to provide for the observance in Idaho of the bicentennial of the signing of the constitution of the United States. September 17, 1987, will mark the two hundredth anniversary of the drafting of the constitution of the United States of America by the constitutional convention. The constitution of the United States is the oldest constitution still in active use in the world today and is the basic document of the United States government, a government which protects the individual liberties of its citizens. It is important to accord official recognition to this memorable anniversary, as the constitution of the United States of America provides the foundation for every citizen for a free, prosperous and independent life. It also is fitting and worthy

that the educational institutions be encouraged to emphasize recognition of the bicentennial by including studies of the constitution in history and government classes.

67-3002. ESTABLISHMENT OF COMMISSION -- MEMBERSHIP -- VACANCIES. (1) There is hereby established the bicentennial constitutional commission in Idaho, hereinafter referred to as the "commission", to plan and develop Idaho's participation in the two hundredth anniversary of the signing of the United States constitution.

(2) Commission members shall be compensated as provided in subsection (b) of section 59-509, Idaho Code.

(3) The commission shall be composed of not less than twelve (12) nor more than eighteen (18) members, who shall be appointed as follows. The president pro tempore of the senate shall appoint three (3) members, the speaker of the house of representatives shall appoint three (3) members, and the governor shall appoint the remaining number of members. The commission members shall select a chairman and a secretary from among their numbers.

(4) Vacancies shall be filled in the same manner in which the original appointments were made.

67-3003. DUTIES OF COMMISSION. The duties of the commission shall include, but not be limited to, the following:

(1) To plan an overall program for commemorating the bicentennial of the signing of the constitution of the United States on a statewide basis in an effective and significant manner, including participation by cities, counties and educational institutions, coordinating such plans with any programs which may be developed by local governments or other recognized organizations; however, the positions of the commission shall be advisory only and not managerial in relation to the local observances.

(2) To cooperate with the National Commission on the Constitutional Bicentennial.

(3) To determine through inventory the sites, artifacts, buildings, significant commercial and fine arts, monuments, structures and other evidences of our cultural heritage within the state which are appropriate for preservation or development in the commemoration of the signing of the constitution of the United States, or other historical Idaho events, to insure that fitting observances and exhibits are held at appropriate sites at the bicentennial celebration.

67-3004. MEETINGS AND HEARINGS. The commission shall establish a regular schedule of meetings at its first session which will be on the call of its chairman as soon as possible after the members have been appointed. The commission may hold such public hearings as may be necessary to encourage citizens of Idaho to offer their recommendations regarding the bicentennial of the signing of the constitution of the United States.

67-3005. CONSTITUTIONAL BICENTENNIAL COMMISSION OF IDAHO ACCOUNT CREATED -- APPROPRIATION. There is hereby created in the dedicated fund of the state treasury, an account to be designated as the "Con-

stitutional Bicentennial Commission of Idaho Account", to be used by the commission as a revolving account for the deposit of contributions and for the payment of expenses and other costs established by the commission. All moneys placed in such account are hereby perpetually appropriated to the commission for the administrative purposes of the provisions of this chapter. All expenditures from the account shall be paid out in warrants drawn by the state auditor upon presentation of proper vouchers from the commission chairman.

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 shall be null, void and of no further force and effect on and after June 30, 1988.

Approved April 1, 1986.

CHAPTER 154
(S.B. No. 1445)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL COMMODITY COMMISSIONS IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 1987, 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 according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. IDAHO APPLE COMMISSION:				
FROM:				
Apple Commission Account	$ 4,900	$ 295,000	$ 100	$ 300,000
B. IDAHO BEAN COMMISSION:				
FROM:				
Idaho Bean Marketing & Production Promotion Account	$ 39,400	$ 212,100		$ 251,500
C. IDAHO CHERRY COMMISSION:				
FROM:				
Cherry Commission Account	$ 1,800	$ 28,100	$ 100	$ 30,000
D. IDAHO DAIRY PRODUCTS COMMISSION:				
FROM:				
Idaho Dairy Products Commission Account	$196,600	$2,465,100		$ 2,661,700

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
E. IDAHO POTATO COMMISSION:				
FROM:				
Potato Commission Account	$393,200	$5,528,500	$2,000	$ 5,923,700
F. IDAHO WHEAT COMMISSION:				
FROM:				
Idaho Wheat Commission Account	$114,000	$ 966,900	$5,000	$ 1,085,900
GRAND TOTAL	$749,900	$9,495,700	$7,200	$10,252,800

Approved April 1, 1986.

CHAPTER 155
(S.B. No. 1447)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 1987, AND DESIGNATING PROGRAM LIMITS; 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. It is legislative intent that the expenditures for the Public Utilities Commission not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$1,534,800
Operating Expenditures	1,005,000
Capital Outlay	98,500
TOTAL	$2,638,300
FROM:	
General Account	$ 133,600
Public Utilities Commission Account	2,504,700
TOTAL	$2,638,300

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, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. UTILITIES REGULATION:				
FROM:				
Public Utilities Commission Account	$ 734,900	$ 701,500	$50,000	$1,486,400

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
B. REGULATED CARRIERS:				
FROM:				
Public Utilities Commission Account	$ 253,100	$ 169,900	$20,000	$ 443,000
C. ADMINISTRATION:				
FROM:				
General Account	$ 133,600			$ 133,600
Public Utilities Commission Account	413,200	$ 133,600	$28,500	575,300
TOTAL	$ 546,800	$ 133,600	$28,500	$ 708,900
GRAND TOTAL	$1,534,800	$1,005,000	$98,500	$2,638,300

SECTION 3. 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 $133,600 for fiscal year 1987 only.

Approved April 1, 1986.

CHAPTER 156
(S.B. No. 1448)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE GENERAL SERVICES AREA, FOR FISCAL YEAR 1987; AND DESIGNATING PROGRAM LIMITS.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the General Services Area the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. PUBLIC EMPLOYEES' RETIREMENT SYSTEM:				
FROM:				
Public Employees' Retirement System Account	$ 868,200	$ 428,200	$ 30,800	$1,327,200
II. STATE LIQUOR DISPENSARY:				
FROM:				
Liquor Account	$3,928,100	$2,547,300	$130,500	$6,605,900

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
III. STATE INSURANCE FUND:				
FROM:				
State Insurance Fund Account	$1,299,300	$ 362,900	$ 65,500	$1,727,700

Approved April 1, 1986.

CHAPTER 157
(S.B. No. 1449)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 1987, AND 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 Secretary of State not to exceed the following amounts for the designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

FOR:	
Office of the Secretary of State	$ 761,900
Commission on Uniform Laws	9,100
Arts and Humanities Commission	650,700
TOTAL	$1,421,700
FROM:	
General Account	$ 905,000
Interagency Billing and Receipts Account	50,200
Idaho Commission on Arts & Humanities Account	466,500
TOTAL	$1,421,700

SECTION 2. There is hereby appropriated to the Secretary of State, the following amounts, to be expended for the designated programs according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OFFICE OF THE SECRETARY OF STATE:					
FROM:					
General Account	$465,900	$296,000			$ 761,900

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
II. COMMISSION ON UNIFORM LAWS:					
FROM:					
General Account		$ 9,100			$ 9,100
III. ARTS AND HUMANITIES COMMISSION:					
FROM:					
General Account	$104,000	$ 21,400	$2,800	$ 5,800	$ 134,000
Interagency Billing and Receipts Account		44,400		5,800	50,200
Idaho Commission on Arts and Humanities Account	65,000	188,900		212,600	466,500
TOTAL	$169,000	$254,700	$2,800	$224,200	$ 650,700
GRAND TOTAL	$634,900	$559,800	$2,800	$224,200	$1,421,700

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 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 April 1, 1986.

CHAPTER 158
(S.B. No. 1451)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 1987; 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. It is legislative intent that the expenditures for the State Department of Education not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$ 2,240,300
Interagency Billing and Receipts Account	112,800

Professional Standards Commission Account	157,500
Driver Training Account	1,508,600
Commodity Distribution Account	440,000
SEPARS Account	522,300
Indian Education Account	250,300
Elementary-Secondary Education Act Account	19,052,900
Educational Block Grant Account	2,505,700
Food Services Account	13,090,100
Association for the Humanities in Idaho Account	12,500
TOTAL	$39,893,000

SECTION 2. There is hereby appropriated to the State Department of Education the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. MANAGEMENT:

FROM:

General Account	$ 239,500
Educational Block Grant Account	61,500
TOTAL	$ 301,000

B. FINANCE AND ADMINISTRATION:

FROM:

General Account	$ 1,222,000
Interagency Billing and Receipts Account	81,700
Driver Training Account	1,508,600
Commodity Distribution Account	440,000
SEPARS Account	522,300
Educational Block Grant Account	86,800
Food Services Account	13,090,100
TOTAL	$16,951,500

C. STATE-FEDERAL INSTRUCTIONAL SERVICES:

FROM:

General Account	$ 778,800
Interagency Billing and Receipts Account	31,100
Professional Standards Commission Account	157,500
Association for the Humanities in Idaho Account	12,500
Indian Education Account	250,300
Elementary and Secondary Education Account	19,052,900
Educational Block Grant Account	2,357,400
TOTAL	$22,640,500
GRAND TOTAL	$39,893,000

SECTION 3. It is legislative intent that an amount, not to exceed $1,000 of the General Account moneys appropriated in Section 2 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 4. 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 214, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures only.

Approved April 1, 1986.

CHAPTER 159
(S.B. No. 1452)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 1987, 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 Idaho Transportation Department not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$ 47,860,300
Operating Expenditures	33,118,200
Capital Outlay	101,029,800
Trustee & Benefit Payments	2,219,900
TOTAL	$184,228,200
FROM:	
State Highway Account	$179,662,800
Idaho Traffic Safety Commission Account	800,000
State Aeronautics Account	2,042,900
Interagency Billing and Receipts	1,722,500
TOTAL	$184,228,200

SECTION 2. There is hereby appropriated to the Idaho Transportation Department the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. GENERAL SUPPORT:					
FROM:					
State Highway Account	$10,849,600	$ 5,798,600	$ 1,014,700	$ 338,100	$ 18,001,000
B. HIGHWAYS:					
FROM:					
State Highway Account	$36,383,100	$25,289,700	$ 99,972,400		$161,645,200

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Idaho Traffic Safety Commission Account				$ 800,000	800,00
TOTAL	$36,383,100	$25,289,700	$ 99,972,400	$ 800,000	$162,445,20
C. AERONAUTICS:					
FROM:					
State Aeronautics Account	$ 408,000	$ 381,900	$ 42,700	$ 150,000	$ 982,60
D. PUBLIC TRANSPORTATION:					
FROM:					
State Highway Account	$ 11,300	$ 5,300			$ 16,60
State Aeronautics Account	80,400	48,100		$ 931,800	1,060,30
TOTAL	$ 91,700	$ 53,400		$ 931,800	$ 1,076,90
E. INTER AND INTRA-DEPARTMENTAL SERVICES:					
FROM:					
Interagency Billing and Receipts	$ 127,900	$ 1,594,600			$ 1,722,50
GRAND TOTAL	$47,860,300	$33,118,200	$101,029,800	$2,219,900	$184,228,20

Approved April 1, 1986.

CHAPTER 160
(S.B. No. 1457)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Department of Insurance the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Insurance Administration Account	$898,500	$920,200	$ 84,700	$1,903,400

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Arson, Fire and Fraud Prevention Account	230,500	165,700	116,100	512,300
Title Insurance Account	87,800			87,800
TOTAL	$1,216,800	$1,085,900	$200,800	$2,503,500

Approved April 1, 1986.

CHAPTER 161
(S.B. No. 1458)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE OFFICE OF THE GOVERNOR, FOR DEPOSIT IN THE GOVERNOR'S EMERGENCY FUND.

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

SECTION 1. There is hereby appropriated from the General Account to the Office of the Governor the following amount for deposit in the Governor's Emergency Fund to be expended according to Section 57-1601, Idaho Code.

FOR:	
Trustee and Benefit Payments	$200,000
FROM:	
General Account	$200,000

Approved April 1, 1986.

CHAPTER 162
(S.B. No. 1460)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 1987, AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY.

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

SECTION 1. It is legislative intent that the expenditures for the Idaho State Historical Society not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$ 661,500
State Historical Society Foundation Account	209,100

Historical Preservation Account	491,900
TOTAL	$1,362,500

SECTION 2. There is hereby appropriated to the State Board of Education for the Idaho State Historical Society the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. HISTORICAL PRESERVATION AND EDUCATION:					
FROM:					
General Account	$418,300	$168,500	$ 5,000	$ 2,500	$ 594,300
State Historical Society Foundation Account	1,000	105,800	5,700		112,500
Historical Preservation Account	222,400	229,500		40,000	491,900
TOTAL	$641,700	$503,800	$10,700	$42,500	$1,198,700
B. HISTORIC SITES MAINTENANCE AND INTERPRETATION:					
FROM:					
General Account	$ 35,100	$ 32,100			$ 67,200
State Historical Society Foundation Account	75,200	21,400			96,600
TOTAL	$110,300	$ 53,500			$ 163,800
GRAND TOTAL	$752,000	$557,300	$10,700	$42,500	$1,362,500

SECTION 3. 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 258, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures only.

Approved April 1, 1986.

CHAPTER 163
(S.B. No. 1461)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND, FOR FISCAL YEAR 1987; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho State School for the Deaf and the Blind the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
General Account	$2,627,700	$457,000	$35,000	$3,119,700
State School for the Deaf and the Blind Income Account		43,000		43,000
Federal Deaf and Blind Children Account	101,400	15,400		116,800
Interagency Billing and Receipts Account		29,100		29,100
TOTAL	$2,729,100	$544,500	$35,000	$3,308,600

SECTION 2. 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 93, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures only.

Approved April 1, 1986.

CHAPTER 164
(S.B. No. 1464)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES FOR FISCAL YEAR 1987, 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 Labor and Industrial Services not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$2,209,300
Operating Expenditures	536,000
Capital Outlay	19,000
Trustee and Benefit Payments	90,000
TOTAL	$2,854,300

FROM:	
General Account	$ 442,900
Electrical Board Account	1,464,600
Plumbing Board Account	434,500
Idaho Building Code Account	394,500
Interagency Billing and Receipts Account	17,800
Mine Safety Training Grant Account	100,000
TOTAL	$2,854,300

SECTION 2. There is hereby appropriated to the Department of Labor and Industrial Services the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
General Account	$ 49,100	$ 5,800			$ 54,900
Electrical Board Account	122,600	13,500			136,100
Idaho Building Code Account	68,700	8,100			76,800
Plumbing Board Account	54,000	7,200			61,200
Interagency Billing and Receipts Account		17,800			17,800
TOTAL	$ 294,400	$ 52,400			$ 346,800
B. SAFETY COMPLIANCE:					
FROM:					
Electrical Board Account	$1,039,900	$288,600			$1,328,500
Idaho Building Code Account	253,000	45,700	$19,000		317,700
Plumbing Board Account	297,900	75,400			373,300
TOTAL	$1,590,800	$409,700	$19,000		$2,019,500
C. SAFETY AND LABOR RELATIONS BUREAU:					
FROM:					
General Account	$ 319,100	$ 68,900			$ 388,000
Mine Safety Training Grant Account	5,000	5,000		$90,000	100,000
TOTAL	$ 324,100	$ 73,900		$90,000	$ 488,000
GRAND TOTAL	$2,209,300	$536,000	$19,000	$90,000	$2,854,300

Approved April 1, 1986.

CHAPTER 165
(S.B. No. 1466)

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 1987, 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 according to designated expense classes from the listed account for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. ADMINISTRATION:				
FROM:				
Industrial Administration Account	$1,183,500	$250,500	$102,500	$1,536,500
B. REHABILITATION:				
FROM:				
Industrial Administration Account	$ 924,400	$245,100	$ 57,500	$1,227,000
GRAND TOTAL	$2,107,900	$495,600	$160,000	$2,763,500

Approved April 1, 1986.

CHAPTER 166
(S.B. No. 1467)

AN ACT

APPROPRIATING MONEYS TO THE GOVERNOR'S OFFICE FOR THE IDAHO CENTENNIAL COMMISSION.

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

SECTION 1. There is hereby appropriated to the Governor's Office for the Idaho Centennial Commission $100,000 from the General Account for the period July 1, 1986, through June 30, 1990.

Approved April 1, 1986.

CHAPTER 167
(S.B. No. 1468)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 1987 AND DESIGNATING PROGRAM LIMITS; AND STATING THE PURPOSE OF GENERAL ACCOUNT MONEYS APPROPRIATED AS TRUSTEE AND BENEFIT PAYMENTS.

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, 1986, through June 30,1987:

FOR:	
Personnel Costs	$ 5,252,000
Operating Expenditures	4,882,300
Capital Outlay	580,500
Trustee & Benefit Payments	2,376,200
TOTAL	$13,091,000
FROM:	
General Account	$ 1,894,200
Interagency Billing and Receipts Account	8,249,300
Permanent Building Fund Account	693,200
Federal Surplus Property Revolving Account	336,000
Risk Retention Account	297,100
Employee Group Insurance Account	242,500
Personnel Commission Account	1,378,700
TOTAL	$13,091,000

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, 1986, through June 30,1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CENTRAL ADMINISTRATION:					
FROM:					
General Account	$ 85,600	$ 62,900			$ 148,5
Interagency Billing and Receipts Account	342,600	221,000	$ 5,100	$ 25,800	594,5
TOTAL	$ 428,200	$ 283,900	$ 5,100	$ 25,800	$ 743,0
II. GENERAL SERVICES:					
FROM:					
General Account	$ 167,000	$ 45,500			$ 212,5
Interagency Billing and Receipts Account	724,400	445,500	$225,900		1,395,8
TOTAL	$ 891,400	$ 491,000	$225,900		$ 1,608,3
III. PUBLIC WORKS:					

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Account				$1,231,400	$ 1,231,400
Interagency Billing and Receipts Account	$ 718,900	$1,744,600	$ 76,000	1,119,000	3,658,500
Permanent Building Fund Account	492,000	198,200	3,000		693,200
TOTAL	$1,210,900	$1,942,800	$ 79,000	$2,350,400	$ 5,583,100
IV. PURCHASING:					
FROM:					
General Account	$ 236,200	$ 65,600			$ 301,800
Interagency Billing and Receipts Account	866,000	1,441,400	$268,100		2,575,500
Federal Surplus Property Revolving Account	204,800	131,200			336,000
TOTAL	$1,307,000	$1,638,200	$268,100		$ 3,213,300
V. INSURANCE MANAGEMENT:					
FROM:					
Employee Group Insurance Account	$ 135,700	$ 106,800			$ 242,500
Risk Retention Account	191,300	104,700	$ 1,100		297,100
TOTAL	$ 327,000	$ 211,500	$ 1,100		$ 539,600
VI. PERSONNEL COMMISSION:					
FROM:					
Personnel Commission Account	$1,087,500	$ 289,900	$ 1,300		$ 1,378,700
Interagency Billing and Receipts Account		25,000			25,000
TOTAL	$1,087,500	$ 314,900	$ 1,300		$ 1,403,700
GRAND TOTAL	$5,252,000	$4,882,300	$580,500	$2,376,200	$13,091,000

SECTION 3. The General Account moneys appropriated as Trustee and Benefit Payments in Section 2 are intended to be used to pay principal and interest expense on state-owned buildings.

Approved April 1, 1986.

CHAPTER 168
(S.B. No. 1470)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 1987, 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 Water Resources not exceed the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

General Account	$4,020,400
Water Conservation and Development Account	20,000
Watermaster Service Account	130,200
Miscellaneous Federal Account	528,800
Federal Energy Account	1,334,600
Water Resources Adjudication Account	1,094,800
TOTAL	$7,128,800

SECTION 2. There is hereby appropriated to the Department of Water Resources the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

I. MANAGEMENT & SUPPORT SERVICES:	
FROM:	
General Account	$ 534,900
Water Conservation and Development Account	20,000
Miscellaneous Federal Account	190,800
TOTAL	$ 745,700
II. RESOURCES ANALYSIS:	
FROM:	
General Account	$1,005,600
Miscellaneous Federal Account	327,400
TOTAL	$1,333,000
III. ENERGY RESOURCES:	
FROM:	
General Account	$ 117,200
Federal Energy Account	1,334,600
TOTAL	$1,451,800
IV. SNAKE BASIN ADJUDICATIONS:	
FROM:	
General Account	$ 680,000
Water Resources Adjudication Account	1,094,800
TOTAL	$1,774,800
V. REGIONAL OFFICES:	
FROM:	
General Account	$1,010,400
Watermaster Services Account	130,200
TOTAL	$1,140,600
VI. OPERATIONS BUREAU:	
FROM:	
General Account	$ 672,300
Miscellaneous Federal Account	10,600
TOTAL	$ 682,900
GRAND TOTAL	$7,128,800

Approved April 1, 1986.

CHAPTER 169
(S.B. No. 1471)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 202, LAWS OF 1985; 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 202, Laws of 1985, there is hereby appropriated to the State Tax Commission the following amounts to be expended for the named programs according to the designated expense classes from the listed accounts for the period July 1, 1985, through June 30, 1986:

PROGRAM	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION AND SUPPORT:			
FROM:			
General Account	$33,000		$33,000
Children's Trust Account	5,600		5,600
TOTAL	$38,600		$38,600
B. AUDIT AND COLLECTIONS:			
FROM:			
General Account	$21,000		$21,000
Highway Suspense Account	50,000		50,000
Children's Trust Account	5,600		5,600
TOTAL	$76,600		$76,600
C. CIRCUIT-BREAKER TAX RELIEF:			
FROM:			
General Account		$64,400	$64,400

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 April 1, 1986.

CHAPTER 170
(S.B. No. 1474)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION FOR THE BLIND, FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Office of the

Governor for the Commission for the Blind the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Account	$351,900	$ 58,100	$3,000	$215,500	$ 628,500
Blind Commission Account	328,900	116,000	3,000	151,800	599,700
Randolph Sheppard Account		25,000		25,000	50,000
Interagency Billing and Receipts Account		6,900		24,000	30,900
TOTAL	$680,800	$206,000	$6,000	$416,300	$1,309,100

Approved April 1, 1986.

CHAPTER 171
(S.B. No. 1475)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE MILITARY DIVISION FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Military Division, the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$1,536,400
Adjutant General Receipts Account	3,500,900
Civil Defense-Federal Administration and Personnel Account	565,100
Federal Indirect Cost Account	29,400
Interagency Billing and Receipts Account	34,600
TOTAL	$5,666,400

Approved April 1, 1986.

CHAPTER 172
(S.B. No. 1479)

AN ACT

RELATING TO ALLOWABLE GROSS LOADS AND THE MAXIMUM WEIGHT OF VEHICLES; REPEALING SECTIONS 49-901 AND 49-901B, IDAHO CODE; AMENDING SECTION 49-901A, IDAHO CODE, BY REDESIGNATING THE SECTION NUMBER, BY PROVIDING FOR ALLOWABLE GROSS LOADS ON THE INTERSTATE HIGHWAYS

OF THE STATE, AND INCREASING SINGLE AXLE LIMITS FOR CERTAIN VEHICLES ON NONINTERSTATE HIGHWAYS.

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

SECTION 1. That Sections 49-901 and 49-901B, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 49-901A, Idaho Code, be, and the same is hereby amended to read as follows:

49-901~~A~~. ~~WEIGHT--LIMITATION-----EXCEPTIONS~~ ALLOWABLE GROSS LOADS. ~~On-all-highways-in-this-state,-except-those-as-to-which--the--application-of-this-section-would-result-in-loss-or-forfeiture-of-federal-aid highway--funds,--and-notwithstanding-the-provisions-of-section-49-901, Idaho-Code,-the~~ The gross load imposed on the highway by any vehicle or combination of vehicles shall not exceed the limits in this section. The maximum single axle gross weight shall be twenty thousand (20,000) pounds ~~and~~, the maximum single wheel gross weight shall be ten thousand (10,000) pounds and the maximum gross vehicle or combination weight shall be one hundred five thousand five hundred (105,500) pounds, provided that maximum gross vehicle or combination weight on United States federal interstate and defense highways of this state shall not exceed eighty thousand (80,000) pounds, except as permitted under the provisions of section 49-905, Idaho Code.

(a) The ~~maximum~~ total gross ~~vehicle-or-combination~~ weight imposed on the highway by any group of consecutive axles shall be determined ~~according-to~~ by the following formula ~~in-which:~~

$$W=500-\left(\frac{LN}{N-1}+12N+36\right)$$

~~W=-maximum-weight-in-pounds-(to-the-nearest-500-pounds)-carried-on any--group--of--two-(2)-or-more-consecutive-axles.-L=-distance-in-feet between-the-extremes-of-any-group--of--two--(2)--or--more--consecutive axles.--N=--number--of--axles-under-consideration,-except-that-two-(2) consecutive-sets-of-tandem-axles-may-carry--a--gross--load--of--34,000 pounds--each-providing-the-overall-distance-between-the-first-and-last axles-of-such-consecutive-sets-of-tandem-axles-is-thirty-six-(36)-feet or-more.~~

~~(b)--The-maximum-gross-vehicle-or-combination-weight-allowable--in the-application-of-the-above-formula-is-105,500-pounds,-as-illustrated in-the-following-table:~~

$$W=500\left(\frac{LN}{N-1}+12N+36\right)$$

Where W is the maximum weight in pounds (to the nearest 500 pounds) carried on any group of two (2) or more consecutive axles. L is the distance in feet between the extremes of any group of two (2) or more consecutive axles, and N is the number of axles under consideration.

The formula is modified as illustrated in the following table:

Distance in feet

between the extremes of any group of 2 or more consecutive axles	Maximum load in pounds carried on any group of 2 or more consecutive axles							
	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles	8 axles	9 axle
4	34,000							
5	34,000			WHEN NO ALLOWABLE WEIGHT IS LISTED				
6	34,000			FOR ANY AXLE SPACING, APPLY THE				
7	34,000			ALLOWABLE WEIGHT AS LISTED IN THE				
8	34,000	42,000		FIRST COLUMN TO THE LEFT				
9	39,000	42,500						
10	40,000	43,500						
11		44,000						
12		45,000	50,000					
13		45,500	50,500					
14		46,500	51,500					
15		47,000	52,000					
16		48,000	52,500	58,000				
17		48,500	53,500	58,500				
18		49,500	54,000	59,000				
19		50,000	54,500	60,000				
20		51,000	55,500	60,500	66,000			
21		51,500	56,000	61,000	66,500			
22		52,500	56,500	61,500	67,000			
23		53,000	57,500	62,500	68,000			
24		54,000	58,000	63,000	68,500	74,000		
25		54,500	58,500	64,500	69,000	74,500		
26		55,500	59,500	65,000	69,500	75,000		
27		56,000	60,000	65,000	70,000	75,500		
28		57,000	60,500	65,500	71,500	76,500	82,000	
29		57,500	61,500	66,000	71,500	77,000	82,500	
30		58,500	62,000	66,500	72,000	77,500	83,000	
31		59,000	62,500	67,500	72,500	78,000	83,500	
32		60,000	63,500	68,000	73,000	78,500	84,500	90,000
33			64,000	68,500	74,000	79,000	85,000	90,500
34			64,500	69,000	74,500	80,000	85,500	91,000
35			65,500	70,000	75,000	80,500	86,000	91,500
36			66,000	70,500	75,500	81,000	86,500	92,000
37			66,500	71,000	76,000	81,500	87,000	93,000
38			67,500	72,000	77,000	82,000	87,500	93,500
39			68,000	72,500	77,500	82,500	88,500	94,000
40			68,500	73,000	78,000	83,500	89,000	94,500
41			69,500	73,500	78,500	84,000	89,500	95,000
42			70,000	74,000	79,000	84,500	90,000	95,500
43			70,500	75,000	80,000	85,000	90,500	96,000
44			71,500	75,500	80,500	85,500	91,000	96,500
45			72,000	76,000	81,000	86,000	91,500	97,500
46			72,500	76,500	81,500	87,000	92,500	98,000
47			73,500	77,500	82,000	87,500	93,000	98,500
48			74,000	78,000	83,000	88,000	93,500	99,000
49			74,500	78,500	83,500	88,500	94,000	99,500
50			75,500	79,000	84,000	89,000	94,500	100,000

51	76,000	80,000	84,500	89,500	95,000	100,500
52	76,500	80,500	85,000	90,500	95,500	101,000
53	77,500	81,000	86,000	91,000	96,500	102,000
54	78,000	81,500	86,500	91,500	97,000	102,500
55	78,500	82,500	87,500	92,000	97,500	103,000
56	79,500	83,000	87,500	92,500	98,000	103,500
57	80,000	83,500	88,000	93,000	98,500	104,000
58		84,000	89,000	94,000	99,000	104,500
59		85,000	89,500	94,500	99,500	105,000
60		85,500	90,000	95,000	100,500	105,500
61		86,000	90,500	95,500	101,000	
62		87,000	91,000	96,000	101,500	
63		87,500	92,000	96,500	102,000	
64		88,000	92,500	97,500	102,500	
65		88,500	93,000	98,000	103,000	
66		89,500	93,500	98,500	103,500	
67		90,000	94,000	99,000	104,500	
68		90,500	95,000	99,500	105,000	
69		91,000	95,500	100,000	105,500	
70		92,000	96,000	101,000		
71		92,500	96,500	101,500		
72		93,000	97,000	102,000		
73		93,500	98,000	102,500		
74		94,500	98,500	103,000		
75		95,000	99,000	103,500		
76		95,500	99,500	104,500		
77		96,000	100,000	105,000		
78		97,000	101,000	105,500		
79		97,500	101,500			
80		98,000	102,000			
81		98,500	102,500			
82		99,000	103,000			
83		100,000	104,000			
84			104,500			
85			105,000			
86 or more			105,500			

(1) ~~Note:--Vehicles-or-combinations-of-vehicles-having-an-overall length-in-excess-of-seventy-five-(75)-feet-may-be-operated-only-in accordance-with-subsection-6-of-section-49-913,-Idaho--Code.--Provided--that-t~~The Idaho transportation board may limit the application of the weights authorized in this section as to certain highways which it determines have limited structural capacity of pavements, bridges, or other appurtenances thereto. In designating such highways, it may specify a minimum wheelbase for combinations to be operated thereon. It may also designate specific highways or portions thereof on which operation of a combination of vehicles with seven (7), eight (8) or nine (9) axle vehicles will be subject to specified lesser allowable gross weights.

~~Provided,--further,--that--the-provisions-of-section-49-901,-Idaho Code,-shall-apply-as-to-all-limitations-in--which--they--exceed--those encompassed-by-this-section.~~

(2) Notwithstanding the figures shown in the above table, two (2)

consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing the overall distance between the first and last axles of such consecutive sets of tandem axles is thirty-six (36) feet or more.

(b) The weight limitations set forth in the table above shall not apply to any vehicle, or combination of vehicles when a greater allowed weight in pounds would be permitted such vehicles under the table provided in this subsection, except that with regard to transportation on the United States federal interstate and defense highways of this state, the following table of allowable weights shall apply only to vehicles engaged in the transportation of logs, pulp wood, stull, rough lumber, poles or piling; or to any such vehicle engaged in the transportation of ores, concentrates, sand and gravel and aggregates thereof, in bulk; or to any such vehicle engaged in the transportation of agricultural commodities, including livestock:

Distance in feet between the extremes of any group of 2 or more consecutive axles	Allowed Load in Pounds	
	Vehicles with Three or Four axles	Vehicles with Five or more axles
3	37,800	37,800
4	37,800	37,800
5	37,800	37,800
6	37,800	37,800
7	37,800	37,800
8	37,800	37,800
9	37,800	37,800
10	37,800	37,800
11	37,800	37,800
12	37,800	37,800
13	56,470	56,470
14	57,940	57,940
15	59,400	59,400
16	60,610	60,610
17	61,820	61,820
18	63,140	63,140
19	64,350	64,350
20	65,450	65,450
21	66,000	66,330
22	66,000	67,250
23	66,000	67,880
24	66,000	68,510
25	66,000	69,150
26	66,000	69,770
27	66,000	70,400
28	66,000	70,950
29	66,000	71,500
30	66,000	72,050
31		72,600
32		73,150
33		73,700
34		74,250
35		74,800

36	75,350
37	75,900
38	76,450
39	77,000
40	77,550
41	78,100
42	78,650
43 and over	79,000

(~~b~~c) In applying the weight limitations imposed ~~by~~ in 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.

(~~c~~d) The limitations imposed ~~by~~ in this section are in addition and supplemental to all other laws imposing limitations upon the size and weight of vehicles.

(e) Notwithstanding the other provisions of this chapter, no vehicle, motor vehicle, trailer and/or semitrailer, or combination thereof, may be operated on the public highways of the state under loads which would result in the withholding of funds by operation of controlling federal law as provided in the Federal Aid Highway Act of 1956, as amended.

Approved April 1, 1986.

CHAPTER 173
(S.B. No. 1486)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 39, CHAPTER 1, LAWS OF 1986; PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT; 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 39, Chapter 1, Laws of 1986, there is hereby appropriated from the General Account to the Department of Health and Welfare, Division of Community Rehabilitation for the designated programs the following amounts, to be expended for the period July 1, 1985, through June 30, 1986:

FOR:

A. Institutional Mental Health Services/State Hospital North	$ 12,800
B. Institutional Mental Health Services/State Hospital South:	$55,000
C. State Youth Services Center:	$ 66,000
TOTAL	$133,800

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.

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

Approved April 1, 1986.

CHAPTER 174
(S.B. No. 1489)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES FOR FISCAL YEAR 1987.

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 amount, to be expended for the designated program and expense classes from the listed account for the period July 1, 1986, through June 30, 1987:

A. SAFETY COMPLIANCE PROGRAM:

FOR:	
Personnel Costs	$75,000
Operating Expenditures	17,000
Capital Outlay	3,000
TOTAL	$95,000
FROM:	
Plumbing Board Account	$95,000

Approved April 1, 1986.

CHAPTER 175
(H.B. No. 360)

AN ACT

RELATING TO PAYMENT OF INTEREST ON REFUNDS OF CERTAIN FUELS TAXES; AMENDING SECTION 63-2410, IDAHO CODE, TO PROVIDE PAYMENT OF INTEREST ON REFUNDS OF GASOLINE TAXES PAID TO LICENSED DISTRIBUTORS AND TO GRANT THE COMMISSION DISCRETION TO REQUIRE ORIGINAL INVOICES WITH REFUND CLAIMS BY CONSUMERS; AND AMENDING SECTION 63-2422, IDAHO CODE, TO PROVIDE FOR PAYMENT OF INTEREST ON REFUNDS OF SPECIAL FUELS TAX PAID TO LICENSED SPECIAL FUELS DEALERS.

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

SECTION 1. That Section 63-2410, Idaho Code, be, and the same is hereby amended to read as follows:

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. Such credit or refund shall include interest at the rate established in section 63-3045, Idaho Code, computed from the date taxes to be refunded or credited were paid to the commission.

(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) The commission may require that a~~A~~ll 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.

SECTION 2. That Section 63-2422, Idaho Code, be, and the same is hereby amended to read as follows:

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. Any such credit or refund shall include interest at the rate established in section 63-3045, Idaho Code, computed from the date the taxes were paid to the commission.

Approved April 1, 1986.

CHAPTER 176
(H.B. No. 370)

AN ACT
RELATING TO PENALTIES AND INTEREST ON BEER AND WINE TAX; REPEALING SECTIONS 23-1050 AND 23-1321, IDAHO CODE.

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

SECTION 1. That Sections 23-1050 and 23-1321, Idaho Code, be, and the same are hereby repealed.

Approved April 1, 1986.

CHAPTER 177
(H.B. No. 412)

AN ACT
RELATING TO ANIMAL DAMAGE CONTROL FEES; AMENDING SECTION 25-232, IDAHO CODE, TO PROVIDE FOR THE DEPOSIT AND DISTRIBUTION OF FEES CHARGED FOR ANIMAL DAMAGE CONTROL, AND TO ADJUST THE AMOUNT THAT MAY BE CHARGED FOR CERTAIN ADMINISTRATIVE COSTS.

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

SECTION 1. That Section 25-232, Idaho Code, be, and the same is hereby amended to read as follows:

25-232. DISEASE AND ANIMAL DAMAGE CONTROL TAX LEVY AND FEES ON CATTLE, HORSES, AND MULES. (a) There is hereby imposed upon cattle, horses, and mules in the state of Idaho a fee of fifteen cents (15¢) per head. Said fee shall be collected at the time of every brand inspection when a charge for brand inspection is made as required by law. Such fee when collected shall be paid by the person paying the charge for brand inspection and shall be used by the Idaho department of agriculture for livestock disease control. The state brand inspector shall collect said fees in addition to, at the same time and in the same manner as the fee collected for brand inspection. The fees so collected shall be deposited as provided in section 25-233, Idaho Code.

(b) In addition to the fee imposed in subsection (a) above, there is hereby imposed an additional fee of not to exceed five cents (5¢)

per head upon the same livestock subject to the fee required in subsection (a). The amount of the additional fee shall be fixed by order of the state brand board upon the written recommendation of the Idaho cattle association. The fees collected under the provisions of this subsection (b) shall be ~~paid-quarterly-to-the-state-board-of-sheep commissioners.-Pending-payment-to-the-board--of--sheep--commissioners, the--moneys--shall--be-maintained-in-the-brand-recording-account.-Upon receipt-of-the-actual-amount-of-fees-collected~~ deposited in the sheep commission account, and the board of sheep commissioners shall ~~immediately~~ quarterly transmit the proper share of such moneys to the board of directors of ~~the~~ each animal damage control district ~~from which-the-livestock-for-which-the-fee-is--imposed--originated--at--the time--of--inspection.~~ The provisions of section 67-3525, Idaho Code, shall not apply to the payment of moneys ~~from--the--brand--recording account--to-the-sheep-commission-account,-or~~ from the sheep commission account to the animal damage control districts.

(c) The state brand inspector shall be reimbursed for the reasonable and necessary expenses incurred for the collections required in this section, in an amount determined by the administrator of the division of animal industries, a representative of the Idaho cattle association and the inspector, but the total of such expense reimbursement for the fees collected as required in subsections (a) and (b) of this section shall not exceed one and one-quarter cents (1-1/4¢) per head.

Approved April 1, 1986.

CHAPTER 178
(H.B. No. 551)

AN ACT

RELATING TO NONPROFIT CORPORATIONS; AMENDING SECTION 30-316, IDAHO CODE, TO DELETE THE REQUIREMENT THAT A BOARD HAVE NINE OR MORE MEMBERS BEFORE CLASSIFICATION CAN OCCUR.

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

SECTION 1. That Section 30-316, Idaho Code, be, and the same is hereby amended to read as follows:

30-316. CLASSIFICATION OF DIRECTORS. ~~When-the-board-of-directors shall-consist-of-nine-(9)-or-more-members,-in--lieu--of--electing--the whole-number-of-directors-annually,-t~~The articles of incorporation may provide that the directors be divided into either two (2) or three (3) classes, each class to be as nearly equal in number as possible, the term of office of directors of the first class to expire at the first annual meeting of members after their election, that of the second class to expire at the second annual meeting after their election, and that of the third class, if any, to expire at the third annual meeting after their election. At each annual meeting after such classification

the number of directors equal to the number of the class whose term expires at the time of such meeting shall be elected to hold office until the second succeeding annual meeting, if there be two (2) classes, or until the third succeeding annual meeting, if there be three (3) classes. No classification of directors shall be effective prior to the first annual meeting of members.

Approved April 1, 1986.

CHAPTER 179
(H.B. No. 573)

AN ACT

RELATING TO SOIL CONSERVATION DISTRICT ELECTIONS; AMENDING SECTION 22-2721, IDAHO CODE, TO PROVIDE FOR A DEFINITE TIME FOR THE CONDUCT OF ELECTIONS FOR SUPERVISORS OF SOIL CONSERVATION DISTRICTS, TO PROVIDE AUTHORITY FOR A COUNTY CLERK TO CONDUCT ELECTIONS FOR A SOIL CONSERVATION DISTRICT, TO PROVIDE FOR A DEFINITE TERM OF OFFICE FOR SUPERVISORS OF SOIL CONSERVATION DISTRICTS, AND TO STRIKE OBSOLETE PROVISIONS; AND PROVIDING FOR TRANSITIONAL TERMS FOR SUPERVISORS ELECTED IN 1983 OR 1985.

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

SECTION 1. That Section 22-2721, Idaho Code, be, and the same is hereby amended to read as follows:

22-2721. ELECTION, APPOINTMENT, QUALIFICATIONS AND TENURE OF SUPERVISORS. The governing body of the district shall consist of five (5) supervisors, elected or appointed as provided in this act. If at any time the supervisors of a district deem it necessary, they may request permission from the state soil conservation commission to increase the number of supervisors to seven (7). Upon receipt of such a request in writing, signed by all five (5) supervisors, stating a valid reason for such need, the commission shall grant permission. The additional supervisors shall then be appointed as outlined in subparagraph C of this section until such time as regular district elections for two (2) supervisors in each district. At that time those districts having seven (7) supervisors shall then elect four (4) supervisors for four (4) year terms. The two (2) supervisors appointed by the commission shall be persons who are by training and experience qualified to perform the specialized services which will be required of them in the performance of their duties. All supervisors shall be landowners or farmers of the district where they are elected or appointed.

A. Within thirty (30) days after the date of issuance by the secretary of state of a certificate of organization of a soil conservation district, nominating petitions may be filed with the state soil conservation commission to nominate candidates for supervisors of each district. The commission shall have authority to extend the time

within which nominating petitions may be filed. No such nominating petition shall be accepted by the commission unless it shall be subscribed by ten (10) or more persons who are qualified electors owning land or residing within the boundaries of the district. The commission shall give due notice of an election to be held for the election of three (3) supervisors for the district. The names of all nominees on behalf of whom such nominating petitions have been filed within the time herein designated, shall appear arranged in the alphabetical order of the surnames, upon ballots, with a square before each name and directions to insert an mark in the square before any three (3) names to indicate the voter's preference. The three (3) candidates who shall receive the largest number, respectively, of the votes cast in such election shall be the elected supervisors for such district. The commission shall pay all the expenses of such election, shall supervise the conduct thereof, shall prescribe regulations governing the conduct of such election and the determination of the eligibility of voters therein, and shall publish the results thereof.

B. All elections in districts, excluding the first election as provided in subparagraph A hereof, shall be conducted by the district supervisors of the districts involved. Such election shall be held ~~during a period prescribed or approved by the state soil conservation commission~~ on the first Tuesday succeeding the first Monday of November in each even-numbered year. Such elections shall be held after due notice has been given by the district supervisors and the elections shall be conducted under such rules and regulations as may be prescribed by the state soil conservation commission. The cost of conducting such elections shall be borne by the district involved. The board of supervisors shall certify to the state soil conservation commission the names of the elected supervisors. The state soil conservation commission shall issue certificates of election to each elected supervisor so certified. The state soil conservation commission may authorize each district to contract with the county clerk or county clerks of the county or counties in which the district is located to conduct the election for the soil conservation district. If a district election is conducted by a county clerk, the county clerk must provide a separate ballot for the district election, and must provide a process that allows only qualified electors of the district to vote in that district's election.

C. The supervisors shall designate a chairman and may, from time to time, change such designation. The term of office of each supervisor shall be four (4) years commencing on the second Monday of January next following election, except that the two (2) supervisors who are first appointed shall be designated to serve for terms of two (2) years. A supervisor shall hold office until ~~his~~ a qualified successor has been elected or appointed ~~and has qualified except as otherwise provided in subparagraph B hereof~~. Vacancies shall be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term shall be made by a vote of the majority of the supervisors duly qualified and acting at the time the vacancy shall arise and the supervisors shall certify the name of the appointed supervisor to the state soil conservation commission who shall issue a certificate of such appointment.

D. ~~The--term-and-tenure-of-office-of-all-supervisors-of-presently existing-soil-conservation-districts-shall--terminate--at--12--o'clock noon--on--the--fifteenth--(15th)--day-of-December,-1957.-All-presently existing-soil-conservation-districts-shall,-between-November-15,-1957, and-December-15,-1957,-hold-an-election-for-the-election-of-a-board-of supervisors-of-such-soil-conservation-district.-Such-election-shall-be conducted-by-the-then-qualified-and-acting-board-of--supervisors--pursuant--to-regulations-and-rules-as-may-be-prescribed-by-the-state-soil conservation-commission.-Three-(3)-of-said-supervisors-to--be--elected shall-be-designated-as-being-elected-for-a-term-of-four-(4)-years.-Two (2)--of--said--supervisors--to-be-elected-shall-be-designated-as-being elected-for-a-term-of-two-(2)--years.--The--names--of--the--candidates receiving-the-largest-number-of-votes-for-the-respective-offices-shall be-the-board-of-supervisors-of-such-district-and-their-names,-together with--the--term-of-office-for-which-they-were-elected,-shall-be-certified-to-the-state--soil--conservation--commission--which--shall--issue certificates-of-election-to-each-elected-supervisor.~~

A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination. A supervisor shall be entitled to expenses, including travel expense, necessarily incurred in the discharge of duties. A supervisor shall receive no compensation for services from regular district funds, county funds authorized in section 22-2726, Idaho Code, or state funds authorized in section 22-2727, Idaho Code.

In the event the district has a special project, approved by the state soil conservation commission, making project funds available from federal or other sources, a supervisor may receive compensation not to exceed thirty-five dollars ($35.00) per day plus actual and necessary expenses from project funds for services directly related to the project.

The supervisors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary as they may require, and shall determine their qualifications, duties and compensation. The supervisors may call upon the attorney general of the state for such legal services as they may require, or may employ their own counsel and legal staff. The supervisors may delegate to their chairman, to one ~~(1)~~ or more supervisors, or to one ~~(1)~~ or more agents, or employees, such powers and duties as they may deem proper. The supervisors shall furnish to the state soil conservation commission, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms and other documents as they shall adopt or employ, and such other information concerning their activities as it may require in the performance of its duties under this act.

The supervisors shall provide for the execution of surety bonds for all employees and officers who shall be entrusted with funds or property; they shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements. Any supervisor may be removed by the state soil conservation commission upon notice and hearing, for neglect of duty or malfeasance in office, but for no other reason.

The supervisors may invite the legislative body of a municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the supervisors of the district on all questions of program and policy which may affect the property, water supply, or other interests of such municipality or county.

SECTION 2. District supervisors elected in calendar year 1983 shall serve for a term that ends on the second Monday of January, 1987, and their successors in office shall be elected at the general election in 1986.

District supervisors elected in calendar year 1985 shall serve for a term that ends on the second Monday of January, 1989, and their successors in office shall be elected at the general election in 1988.

Approved April 1, 1986.

CHAPTER 180
(H.B. No. 617)

AN ACT

RELATING TO THE SALES AND USE TAX; AMENDING SECTION 63-3622, IDAHO CODE, AS AMENDED BY CHAPTERS 119, 195 AND 287, LAWS OF 1984, TO CLARIFY THE EXEMPTION STATUTE AS IT APPLIES TO FUELS USED IN MOTOR VEHICLES; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622CC, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR RAILROAD ROLLING STOCK; AND AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622DD, IDAHO CODE, TO PROVIDE AN EXEMPTION FOR PARTS USED IN RAILROAD ROLLING STOCK.

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

SECTION 1. That Section 63-3622, Idaho Code, as amended by Chapters 119, 195 and 287, Laws of 1984, be, and the same is hereby amended to read as follows:

63-3622. EXEMPTIONS. There are exempted from the taxes imposed by this act the following:

(a) The sale at retail, storage, use, or other consumption of tangible personal property which this state is prohibited from taxing under the Constitution of the United States.

(b) The sale of tangible personal property to resident contractors for subsequent incorporation into real property outside this state in the performance of a contract to improve the out-of-state realty unless this provision would result in subjection of said contractor to a use or similar excise tax in another state.

(c) Purchases which are subject to the motor fuels tax imposed by chapter 24, title 63, Idaho Code, and the sale or use of any fuel which is to be subsequently transported outside the state for use

thereafter outside the state. Nothing in this chapter shall be construed to authorize the imposition of a tax on fuel brought into this state in the fuel tanks of vehicles in interstate commerce.

(d) Receipts from the sale, storage, use or other consumption in this state of tangible personal property which will enter into and become an ingredient or component part of tangible personal property manufactured, processed, mined, produced or fabricated for ultimate sale at retail within or without this state, and tangible personal property primarily and directly used or consumed in or during such manufacturing, processing, mining, farming, or fabricating operations by a business or segment of a business which is primarily devoted to such operation or operations, provided that the use or consumption of such tangible personal property is necessary or essential to the performance of such operation. Chemicals, catalysts, and other materials which are used for the purpose of producing or inducing a chemical or physical change or for removing impurities or otherwise placing a product in a more marketable condition are included within this exemption, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the manufacturing, processing, mining, farming or fabricating operations such as maintenance and janitorial equipment and supplies, and hand tools with a unit purchase price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual manufacturing, processing, mining, farming or fabricating operations such as office equipment and supplies, equipment and supplies used in selling or distributing activities, in research, or in transportation activities; nor shall this exemption include motor vehicles licensed or required to be licensed by the laws of this state, without regard to the use to which such motor vehicles are put; nor shall this exemption include tangible personal property used or consumed in processing, producing or fabricating tangible personal property exempted from this act by subsections (h), (k), (l) and (p) of this section.

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

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

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

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

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

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

(h) The sale or purchase of gas, electricity, and water when delivered to consumers.

(i) The sale or purchase of any matter used to produce heat by burning, including wood, coal, petroleum and gas.

(j) The sale or purchase of tangible personal property at home yard sales; provided, however, that no more than two (2) such home yard sales per individual per calendar year shall be exempt.

(k) The sale or purchase of tangible personal property used for the performance of a written contract entered into prior to the passage and approval of this act, but such exemption shall extend only until July 1, 1967.

(l) The sale or purchase, or the storage, use or other consumption of religious literature, pamphlets, periodicals, tracts and books published and sold by a bona fide church or religious denomination, no part of the net earnings of which inures to the benefit of any private individual or shareholder.

(m) The sale of meals by public or private schools under the federal school lunch program or under programs that provide nutritional meals for the aging (Title VII of the Older Americans Act, PL93-29), and the sale of meals by a church to its members at a church function.

(n) Occasional sales of tangible personal property, including sales of animals by any 4-H Club or FFA Club held in conjunction with a fair or the western Idaho spring lamb sale; providing, however, that this exemption shall not apply to the sale, purchase, or use of self-propelled motor vehicles unless they are transferred in a transaction falling within the scope of section 63-3612A(b), Idaho Code, a change in the form of doing business, or section 63-3612A(c), Idaho Code, the sale of a going business, or section 63-3612A(f), Idaho Code, the sale of motor vehicles between family members.

(o) The sale of articles through a coin-operated vending machine for a total consideration of eleven cents ($.11) or less and individual transactions involving a total sales price of eleven cents ($.11) or less.

(p) Sales of liquor by the state liquor dispensary to a person licensed under the provisions of chapter 9, title 23, Idaho Code.

(q) Sales of prescription drugs and the sale of oxygen, all upon the prescription of a practitioner licensed to prescribe drugs to human beings in the course of his professional practice, the sale of artificial limbs, prescription braces, wheelchairs, hearing aids, crutches and other prosthetic devices except eyeglasses and dental bridgework.

(r) Sales to the Boy Scouts of America of supplies and materials for national and international encampments within the state of Idaho and sales by the Boy Scouts of America to participants in national and international encampments within the state of Idaho if such sales are made within the confines of Farragut State Park.

(s) Sales to and purchases by hospitals, health-related entities, educational institutions, forest protective associations and canal companies which are nonprofit organizations. As used in this subsection, these words shall have the following meanings:

1. Educational institution shall mean resident nonprofit colleges, universities, primary and secondary schools the income of which is devoted solely to education and in which systematic instruction in the usual branches of learning is given. This definition does not include schools primarily teaching business, dancing, dramatics, music, cosmetology, writing, gymnastics, exercise and other special accomplishments nor parent-teacher associations, parent groups, alumni or other auxiliary organizations with purposes related to the educational function of an institution or collective group of institutions.

2. Hospital as used herein shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions or organizations.

3. Health-related entities as used herein shall mean the Idaho Cystic Fibrosis Foundation, March of Dimes, American Cancer Society, Mental Health Association, Idaho Association of Retarded Citizens, Idaho Heart Association, United Cerebral Palsy, Arthritis Foundation, Muscular Dystrophy Foundation, National Multiple Sclerosis Society, Rocky Mountain Kidney Association, American Diabetes Association, and Easter Seals, together with said entities' local or regional chapters or divisions.

4. Canal companies as used herein shall include nonprofit corporations which are incorporated solely for the purpose of operating and maintaining and are engaged solely in operation and maintenance of dams, reservoirs, canals, lateral and drainage ditches, pumps or pumping plants.

5. Forest protective associations as used herein shall mean associations whose purpose is the furnishing, operating and maintaining of a protective system for the detection, prevention and suppression of forest or range fires. Forest protective associations shall include only those associations with which the state of Idaho has contracted or become a member of pursuant to chapter 1, title 38, Idaho Code.

(t) The sale or purchase of tangible personal property shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state if the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier.

(u) The sale or purchase of tangible personal property which is shipped to a point outside this state for use outside this state pursuant to a contract of sale by delivery by the vendor to such point by means of (1) facilities operated by the vendor, (2) delivery by the vendor to a carrier for shipment to a consignee at such point, or (3) delivery by the vendor to a customs broker or forwarding agent for shipment outside this state.

(v) Sales of motor vehicles and trailers for use outside of this state, even though delivery be made within this state, but only when

(1) the vehicles or trailers will be taken from the point of delivery in this state directly to a point outside this state and (2) said motor vehicles and trailers will be titled and licensed immediately under the laws of another state, will not be used in this state more than twenty-five percent (25%) of the mileage in any calendar year, and will not be required to be titled under the laws of this state; the sale of motor vehicles and motor equipment not required to be licensed and used as log jammers, log loaders, farm tractors and implements of husbandry; and the sale of used mobile homes, whether or not such used mobile homes are sold for use outside this state, and whether or not such used mobile homes are sold by a dealer. Every mobile home sale after its sale as a "new mobile home," as defined in section 63-3606, Idaho Code, is a sale as a used mobile home.

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

(x) Receipts from the sale, storage, use or other consumption in this state of tangible personal property directly used and consumed in the production of publications in a newspaper format which are distributed to the public at large and which rely on advertising revenue as their primary source of income; provided, that the purchase, storage, use or other consumption is by a business or segment of a business which is primarily devoted to such production of said publications; provided, further, that the use or consumption of such tangible personal property is necessary or essential to the performance of such publication business. This exemption does not include machinery, equipment, materials and supplies used in a manner that is incidental to the production of said publications, such as maintenance and janitorial equipment and supplies and hand tools with a unit price not in excess of one hundred dollars ($100); nor does it include tangible personal property used in any activities other than the actual production of the publication and shall not include property such as office equipment and supplies, equipment and supplies used in selling and distributing activities, in research or in transportation activities; nor shall this exemption include motor vehicles required to be licensed by the laws of this state without regard to the use to which such motor vehicles are put.

Provided, further, that this exemption shall apply when the publication referred to herein is distributed to the public free of charge.

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

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

(z) The sale of precious metal bullion or the sale of monetized bullion. For purposes of this section, "precious metal bullion" means any elementary precious metal which has been put through a process of smelting or refining including, but not limited to, gold, silver, platinum, rhodium, and chromium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this section, "monetized bullion" means coins or other forms of money manufactured from gold, silver, or other metals and heretofore, now, or hereafter used as a medium of exchange under the laws of this state, the United States, or any foreign nation, but shall not include coins or money sold to be manufactured into jewelry or works of art.

(aa) The sale of tangible personal property occurring within the boundaries of an Indian reservation located in Idaho when the business or enterprise selling the tangible personal property is wholly owned and operated by a federally recognized Indian tribe.

(bb) To prevent evasion of the sales and use tax, it shall be presumed that all articles are subject to the taxes imposed by this act and the retailer shall have the burden of establishing the facts giving rise to such exemption by clear and convincing evidence unless the purchaser delivers to the retailer an exemption certificate in such form as the tax commission may prescribe, signed by the purchaser and setting forth the reason for the claimed exemption.

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

SECTION 2. 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 63-3622CC, Idaho Code, and to read as follows:

63-3622CC. RAILROAD ROLLING STOCK. There is exempted from the taxes imposed by this chapter the sale, storage, use or other consumption of tangible personal property which is railroad rolling stock rebuilt or remanufactured in this state and which was used in interstate commerce for at least three (3) consecutive months prior to such rebuilding or remanufacturing.

SECTION 3. 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 63-3622DD, Idaho Code, and to read as

follows:

63-3622DD. PARTS FOR RAILROAD ROLLING STOCK. There is exempted from the taxes imposed by this chapter the sale, storage, use or other consumption of tangible personal property which is parts, material or equipment used to rebuild or remanufacture railroad rolling stock exempt from tax under section 63-3622CC, Idaho Code.

Approved April 1, 1986.

CHAPTER 181
(H.B. No. 644)

AN ACT

RELATING TO PEST CONTROL ON STATE LANDS AND PRIVATE LANDS; AMENDING CHAPTER 21, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2108, IDAHO CODE, TO PROVIDE THAT THE STATE BOARD OF EXAMINERS MAY AUTHORIZE THE ISSUANCE OF DEFICIENCY WARRANTS AGAINST THE GENERAL ACCOUNT FOR UP TO FIVE HUNDRED THOUSAND DOLLARS IN ANY ONE YEAR, IN THE EVENT THE ACTUAL COST OF PEST CONTROL WITHIN A ZONE OF INFESTATION, AS ESTABLISHED BY THE DIRECTOR OF THE STATE DEPARTMENT OF AGRICULTURE, EXCEEDS THE FUNDS PROVIDED FOR THAT PURPOSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 21, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-2108, Idaho Code, and to read as follows:

22-2108. DEFICIENCY WARRANTS FOR PEST CONTROL. Whenever the director of the state department of agriculture determines that there exists the threat of an infestation of grasshoppers, crickets or other pests on state-owned land or on private rangeland or agricultural land, and that the infestation is of such a character as to be a menace to state and private rangeland or agricultural land, the director of the state department of agriculture may declare the existence of a zone of infestation, and may declare and fix the boundaries so as to definitely describe and identify the zone of infestation.

Thereupon, the state director of the department of agriculture, or his agent, shall have the power to go upon the state-owned land or private rangeland or agricultural land within the zone of infestation, and shall cause the pest infestation to be suppressed and eradicated, using such funds as have been appropriated or may hereafter be made available for such purposes; provided, that whenever the cost of suppression and eradication of grasshoppers, crickets or other pests on state-owned land or on private rangeland or agricultural land exceeds the funds appropriated or otherwise available for that purpose, the state board of examiners may authorize the issuance of deficiency war-

rants against the general account for up to five hundred thousand dollars ($500,000) in any one (1) year for such suppression and eradication. The director of the department of agriculture, in executing the provisions of this chapter insofar as it relates to state-owned lands and private rangelands or agricultural lands, shall have the authority to cooperate with federal, state, county, municipal and private landowners in pest suppression and eradication projects; provided, that the state funds shall only be used to pay the state's pro rata share based on acreage of state-owned lands or private rangelands or agricultural lands treated. Such moneys as the state shall thus become liable for shall be paid out of appropriations which shall be made by the legislature for that purpose.

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, 1986.

CHAPTER 182
(H.B. No. 676)

AN ACT

RELATING TO HAZARDOUS WASTE; AMENDING SECTION 39-4404, IDAHO CODE, TO PROVIDE THAT SPENT POTLINERS FROM PRIMARY ALUMINUM REDUCTION SHALL BE DEFINED AS HAZARDOUS WASTE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 39-4404, Idaho Code, be, and the same is hereby amended to read as follows:

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; provided, however, that spent potliners from primary aluminum reduction, or environmental protection agency hazardous waste number K088, shall be defined as hazardous waste. 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.

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, 1986.

CHAPTER 183
(H.B. No. 684)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-626, IDAHO CODE, TO PROVIDE THAT IF A NOMINATING PETITION IS SUBMITTED CONTAINING AT LEAST TWENTY PER CENT MORE SIGNATURES THAN IS REQUIRED BY THE APPLICABLE STATUTE, THEN NO VERIFICATION OF THE SIGNATURES IS REQUIRED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 34-626, Idaho Code, be, and the same is hereby amended to read as follows:

34-626. VERIFICATION OF SIGNATURES ON NOMINATING PETITIONS. (1) Except as provided in subsection (2) of this section, bBefore 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.

(2) If a nominating petition is submitted that contains a total number of signatures that is at least twenty per cent (20%) greater than the number of signatures required for nomination by the applicable statute, then the signatures on the petition shall be considered properly verified and no further verification is required.

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, 1986.

CHAPTER 184
(H.B. No. 710)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Department of Finance the following amounts, to be expended according to the designated expense classes from the listed account for the period July 1, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Finance Administration Account	$1,087,000	$276,400	$11,200	$1,374,600

Approved April 1, 1986.

CHAPTER 185
(H.B. No. 714)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1986; AND DECLARING AN EMERGENCY.

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 general account to be expended according to the designated expense class for the period July 1, 1985 through June 30, 1986:

FOR:	
Trustee and Benefit Payments	$34,613
FROM:	
General Account	$34,613

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, 1986.

CHAPTER 186
(H.B. No. 715)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 1987; DESIGNATING PROGRAM LIMITS; AND EXEMPTING CONSTRUCTION AUTHORIZED IN THIS ACT FROM THE PROVISIONS OF SECTION 67-5711, IDAHO CODE.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Fish and Game not exceed the following amounts for the period July 1, 1986 through June 30, 1987:

FOR:	
Personnel Costs	$12,154,100
Operating Expenditures	7,379,800
Capital Outlay	2,801,200
TOTAL	$22,335,100
FROM:	
Fish and Game Account	$22,335,100

SECTION 2. There is hereby appropriated to the Department of Fish and Game the following amounts, to be expended for designated programs

according to designated expense classes from the listed account for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
Fish & Game Account	$1,691,900	$ 32,700	$ 263,700	$ 1,988,300
II. ENFORCEMENT:				
FROM:				
Fish & Game Account	$2,853,900	$ 698,800	$ 387,100	$ 3,939,800
III. FISHERIES:				
FROM:				
Fish & Game Account	$4,322,400	$4,106,100	$1,434,600	$ 9,863,100
IV. WILDLIFE:				
FROM:				
Fish & Game Account	$2,227,300	$1,751,400	$ 520,900	$ 4,499,600
V. INFORMATION AND EDUCATION:				
FROM:				
Fish & Game Account	$ 468,200	$ 371,100	$ 24,200	$ 863,500
VI. ENGINEERING:				
FROM:				
Fish & Game Account	$ 431,500	$ 56,600	$ 166,000	$ 654,100
VII. PROGRAM COORDINATION:				
FROM:				
Fish & Game Account	$ 103,700	$ 22,500	$ 500	$ 126,700
VIII. WINTER FEEDING AND DEPRADATION CONTROL:				
FROM:				
Fish & Game Account	$ 55,200	$ 340,600	$ 4,200	$ 400,000
GRAND TOTAL	$12,154,100	$7,379,800	$2,801,200	$22,335,100

SECTION 3. Construction authorized under the provisions of this act, to include all preliminary matters through completion of construction, is expressly exempt from the provisions of Section 67-5711, Idaho Code.

Approved April 1, 1986.

CHAPTER 187
(H.B. No. 716)

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 1987; 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, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$50,800
Operating Expenditures	13,400
TOTAL	$64,200
FROM:	
General Account	$64,200

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 April 1, 1986.

CHAPTER 188
(H.B. No. 717)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 1987; 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 Office of the Governor not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$ 560,900
Operating Expenditures	285,500
Capital Outlay	2,500
Trustee and Benefit Payments	244,000
TOTAL	$1,092,900
FROM:	
General Account	$ 687,100
Comprehensive Employment and Training Account	118,300
Pacific Northwest Regional Commission Account	287,500
TOTAL	$1,092,900

SECTION 2. There is hereby appropriated to the Office of the Governor the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. GOVERNOR'S OFFICE ADMINISTRATION:					
FROM:					
General Account	$464,300	$170,100			$ 634,400
Comprehensive Employment and Training Account	50,600	67,700			118,300
TOTAL	$514,900	$237,800			$ 752,700
B. GOVERNOR'S RESIDENCE AND EXPENSE:					
FROM:					
General Account	$ 12,300	$ 15,600	$2,500		$ 30,400
C. FEDERAL PROGRAM ADMINISTRATION:					
FROM:					
General Account	$ 19,000	$ 3,300			$ 22,300
Pacific Northwest Regional Commission Account	14,700	28,800		$244,000	287,500
TOTAL	$ 33,700	$ 32,100		$244,000	$ 309,800
GRAND TOTAL	$560,900	$285,500	$2,500	$244,000	$1,092,900

Approved April 1, 1986.

CHAPTER 189
(H.B. No. 718)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE AUDITOR FOR FISCAL YEAR 1987, AND DESIGNATING PROGRAM LIMITS; PROVIDING THAT THIS ACT IS EFFECTIVE NOTWITHSTANDING A CERTAIN SECTION OF THE IDAHO CODE; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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

SECTION 1. It is legislative intent that the expenditures for the State Auditor not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FOR:	
Auditing and Accounting	$ 764,000
Social Security	155,000
Data Center	3,078,900
Financial Improvement Practices	250,000
TOTAL	$4,247,900

FROM:	
General Account	$2,247,800
Social Security Trust Account	7,800
Interagency Billing and Receipts Account	1,992,300
TOTAL	$4,247,900

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, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. AUDITING AND ACCOUNTING:					
FROM:					
General Account	$ 629,800	$ 123,800		$6,900	$ 760,500
Interagency Billing and Receipts Account			$ 3,500		3,500
TOTAL	$ 629,800	$ 123,800	$ 3,500	$6,900	$ 764,000
B. SOCIAL SECURITY:					
FROM:					
General Account	$ 123,300	$ 23,900			$ 147,200
Social Security Trust Account		7,800			7,800
TOTAL	$ 123,300	$ 31,700			$ 155,000
C. DATA CENTER:					
FROM:					
General Account		$ 932,900	$157,200		$1,090,100
Interagency Billing and Receipts Account	$1,383,800	605,000			1,988,800
TOTAL	$1,383,800	$1,537,900	$157,200		$3,078,900
D. FINANCIAL IMPROVEMENT PRACTICES:					
FROM:					
General Account					$ 250,000

SECTION 3. As appropriated in Section 2, this act is declared to be effective notwithstanding the provisions of Section 59-1107, Idaho Code, as such provisions restrict the use of the funds for purposes of making payments to the United States in accordance with Public Law 734.

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 State Auditor to assist in defraying expenses relating to or resulting from the discharge of his official duties. Such moneys shall be accounted for solely on the itemized certificate of the State Auditor and shall be exempted from provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved April 1, 1986.

CHAPTER 190
(H.B. No. 719)

AN ACT

APPROPRIATING MONEYS TO THE STATE AUDITOR FOR THE AUDITING AND ACCOUNTING PROGRAM IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 100, LAWS OF 1985; 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 100, Laws of 1985, there is hereby appropriated to the State Auditor for the Auditing and Accounting Program the following amount to be expended according to the designated expenditure class from the listed account for the period July 1, 1985, through June 30, 1986:

FOR:	
Trustee and Benefit Payments	$145,000
FROM:	
General Account	$145,000

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 1, 1986.

CHAPTER 191
(H.B. No. 384, As Amended)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS; AMENDING SECTION 54-1014, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN LICENSING AND EXAMINATION FEES AND TO PROVIDE FOR SPECIALTY ELECTRICIAN'S LICENSE FEES.

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

SECTION 1. That Section 54-1014, Idaho Code, be, and the same is hereby amended to read as follows:

54-1014. FEES. The following fees shall be charged by the director of the department of labor and industrial services:

Electrical contractor's license	~~$60.00~~	125.00
Renewal of electrical contractor's license	~~40.00~~	100.00
Journeyman electrician's license	~~3.00~~	25.00
Renewal of journeyman electrician's license	~~2.00~~	15.00
~~Examination fee~~ Application certification	~~10.00~~	15.00
Revival of electrical contractor's license	~~60.00~~	125.00
Revival of journeyman electrician's license	~~3.00~~	25.00

Apprentice registration and working license	10.00
Specialty electrician's license	25.00
Specialty electrician's license renewal	10.00
Specialty electrician's license revival	25.00

Approved April 2, 1986.

CHAPTER 192
(H.B. No. 376)

AN ACT
RELATING TO SALES AND USE TAXES; AMENDING SECTION 63-3616, IDAHO CODE, TO DEFINE THE TERM "TANGIBLE PERSONAL PROPERTY" AS IT APPLIES TO COMPUTER SOFTWARE.

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

SECTION 1. That Section 63-3616, Idaho Code, be, and the same is hereby amended to read as follows:

63-3616. TANGIBLE PERSONAL PROPERTY. (a) The term "tangible personal property" means personal property which may be seen, weighed, measured, felt or touched, or which is in any other manner perceptible to the senses.

(b) The term "tangible personal property" includes any computer software which is not a custom computer program.

(i) As used in this subsection, the term "computer software" means any computer program, part of a program or any sequence of instructions for automatic data processing equipment. Computer software is deemed to be tangible personal property for purposes of this chapter, regardless of the method by which the title, possession or right to use the software is transferred to the user.

(ii) As used in this subsection, the term "custom computer program" means any computer software (as defined in this subsection) which is written or prepared exclusively for a customer and includes those services represented by separately stated charges for the modification of existing prewritten programs when the modifications are written or prepared exclusively for a customer. The term does not include a "canned" or prewritten program which is held or existing for general or repeated sale, lease or license, even if the program was initially developed on a custom basis or for in-house use. Modification to an existing prewritten program to meet the customer's needs is custom computer programming only to the extent of the modification, and only to the extent that the actual amount charged for the modification is separately stated on invoices, statements, and other billing documents supplied to the purchaser.

Approved April 2, 1986.

CHAPTER 193
(H.B. No. 359)

AN ACT

RELATING TO THE TAXATION OF CIGARETTES; REPEALING SECTION 63-2503, IDAHO CODE, RELATING TO ANNUAL LICENSE FEES; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2503, IDAHO CODE, TO IMPOSE A REQUIREMENT UPON WHOLESALERS AND RETAILERS OF CIGARETTES TO OBTAIN A ONE-TIME PERMIT; AMENDING SECTION 63-2504, IDAHO CODE, TO PROVIDE QUALIFICATIONS FOR WHOLESALERS; AMENDING SECTION 63-2507, IDAHO CODE, TO ALLOW THE STATE TAX COMMISSION TO SELL STAMPS THROUGH AUTHORIZED AGENTS; AMENDING SECTION 63-2508, IDAHO CODE, TO REQUIRE A WHOLESALERS PERMIT; AMENDING SECTION 63-2511, IDAHO CODE, TO REQUIRE RECORDS TO BE RETAINED FOR FOUR YEARS; AMENDING SECTION 63-2512, IDAHO CODE, TO PROVIDE FOR CIVIL PENALTIES; AND AMENDING SECTION 63-2516, IDAHO CODE, TO PROVIDE FOR A STATUTE OF LIMITATIONS PERIOD OF THREE YEARS.

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

SECTION 1. That Section 63-2503, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 25, 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 63-2503, Idaho Code, and to read as follows:

63-2503. PERMITS. (a) It shall be unlawful for a person to act as a wholesaler of cigarettes without a permit. The permit shall be obtained by application to the tax commission upon a form furnished by it, accompanied by a fee of fifty dollars ($50.00). The wholesaler permit shall be nonassignable and shall continue in force until surrendered or canceled.

(b) It shall be unlawful for any retailer to purchase, sell, offer for sale, distribute, store or possess any cigarettes without first applying for and receiving a seller's permit under section 63-3620, Idaho Code.

SECTION 3. That Section 63-2504, Idaho Code, be, and the same is hereby amended to read as follows:

63-2504. QUALIFICATIONS OF WHOLESALERS. No wholesaler may be issued a permit or otherwise engage in and carry on business as a wholesaler of cigarettes until he first shall qualify under the rules and regulations promulgated by the state tax commission with reference to financial ability. Such restriction shall not apply to any wholesaler lawfully in business on the date this act is passed and approved. In addition no wholesaler's ~~license~~ permit shall be issued unless:

(1) in the case of a natural person, he be an Idaho resident, or

(2) in case of a corporation, it is an Idaho corporation or a foreign corporation qualified with the secretary of state to do business in Idaho as a foreign corporation and maintaining a physical business office within this state.

SECTION 4. That Section 63-2507, Idaho Code, be, and the same is hereby amended to read as follows:

63-2507. STAMPS TO BE PRINTED -- AFFIXED TO INDIVIDUAL PACKAGES. The state tax commission is hereby authorized and required to design and have printed Idaho cigarette stamps which are to be affixed to each individual package of cigarettes, or to permit the use of meter stamping machines for imprinting stamps which stamps shall be in the amount of the tax imposed by section 63-2506, Idaho Code. Except as otherwise prescribed by the state tax commission, each stamp shall be affixed in such a manner that it cannot be removed without being mutilated or destroyed. Stamps may be obtained only from the state tax commission, or its authorized agent, and only by a holder of a valid and current wholesaler permit ~~or license~~.

SECTION 5. That Section 63-2508, Idaho Code, be, and the same is hereby amended to read as follows:

63-2508. STAMPS TO BE AFFIXED BY PERSON FIRST RECEIVING CIGARETTES IN STATE. No cigarettes may be purchased, sold, distributed, stored or held on hand or in possession of any person without Idaho stamps having been affixed thereto, within a reasonable time after receipt thereof.

No person may import cigarettes, nor hold or have in possession unstamped cigarettes, unless he shall have qualified under this act as a wholesaler and obtained a permit, as provided for in section 63-2503, Idaho Code.

SECTION 6. That Section 63-2511, Idaho Code, be, and the same is hereby amended to read as follows:

63-2511. RECORDS TO BE KEPT -- INSPECTION. Each wholesaler of cigarettes shall keep and preserve for a period of ~~three (3)~~ four (4) years, records showing the purchase and sale of cigarettes, as well as separate invoices and records of stamps purchased. All records and stocks of cigarettes on hand shall be open to inspection by the state tax commission or authorized employees at all reasonable times. Additionally, the state tax commission may require reports to be submitted to it from time to time concerning the purchase and sale of cigarettes and stamps.

All retailers and vending machine operators shall permit the state tax commission or authorized employees to inspect all cigarettes on hand.

SECTION 7. That Section 63-2512, Idaho Code, be, and the same is hereby amended to read as follows:

63-2512. PENALTIES. The penalties herein prescribed are not intended as exclusive, but are in addition and supplemental to any and all other existing remedies and procedures prescribed by law for the enforcement of the revenue laws of this state.

(a) Any wholesaler or retailer who shall, by any device or method, lessen the tax due on the cigarettes handled by him, shall, in addition to the tax found due, be assessed as a civil penalty, by the state tax commission, fifty (50) times the amount of the tax found due.

(b) Any person who shall forge or counterfeit an Idaho cigarette stamp shall be guilty of a felony and upon conviction thereof shall be punished in accordance with the provisions of the criminal code, and additionally shall be ineligible to have issued him or to hold any state license or permit to sell or vend goods or merchandise of any kind or type, or to be employed by or work in any manner for ~~a-holder of-a-cigarette-wholesaler-or--retail--permit--or--license--or--vending machine-permit-or-license~~ any person who sells cigarettes for a period of five (5) years thereafter.

(c) The possession by any person of more than ten (10) packages of cigarettes without Idaho cigarette stamps is a misdemeanor. Any person upon conviction shall be subject to a fine of five dollars ($5.00) for each full or partial package of unstamped cigarettes in his possession in excess of ten (10), but the maximum punishment for each offense shall not exceed a fine of three hundred dollars ($300) or imprisonment in the county jail or both.

(d) ~~Any--person--who--owns--or--who-has-possession-of-a-cigarette vending-machine,-or-of-any-vehicle,-not-a-common-carrier-operating--in interstate--commerce,--used--in--violating-the-provisions-of-this-act, including-failure-by-such--person--to--pay--the--annual--license--fees imposed--by-section-63-2503,-Idaho-Code,-shall-be-subject-to-a-penalty in-the-amount-of-twenty-five-dollars-($25.00)-for-each-vending-machine or-vehicle-so-used,-and-such-penalty-shall-be-assessed-and--collected, in--addition--to--the-annual-license-fees-found-to-be-due,-in-the-same manner-as-tax--is--assessed--and--collected--as--provided--in--section 63-2516,--Idaho--Code.--Failure--to-pay-the-penalty-within-thirty-(30) days-shall-be-a-misdemeanor.~~ All violations of the provisions of this chapter, including failure to possess a valid permit, as required by section 63-2503, Idaho Code, shall be punishable by the imposition of civil penalties at the rate of twenty-five dollars ($25.00) per day, per violation, and such penalty shall be assessed and collected, as provided in section 63-2516, Idaho Code.

(e) ~~All-other~~ In addition to the sanctions imposed elsewhere in this chapter, all violations of the provisions of this ~~act~~ chapter shall be misdemeanors and punishable in accordance with the provisions of the criminal code.

SECTION 8. That Section 63-2516, Idaho Code, be, and the same is hereby amended to read as follows:

63-2516. COLLECTION AND ENFORCEMENT -- ACTIONS AGAINST STATE OF IDAHO. In addition to the enforcement and penalty provisions in this act otherwise provided, the deficiency in tax and notice of deficiency

as well as the collection and enforcement procedures provided by the Idaho income tax act, sections 63-3030A, 63-3038, 63-3039, 63-3040, 63-3042, 63-3043, 63-3044, 63-3045, 63-3045A, 63-3046, 63-3047, 63-3048 through 63-3065, 63-3068, 63-3070, 63-3071, 63-3073, 63-3075 and 63-3078, Idaho Code, shall apply and be available to the state tax commission for enforcement of the provisions of this act and the assessment and collection of any amounts due, and 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 cigarette tax liens and proceedings.

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

Approved April 2, 1986.

CHAPTER 194
(S.B. No. 1271, As Amended, As Amended in the House)

AN ACT

RELATING TO LIABILITY TO FIREWOOD GATHERERS; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 15, TITLE 6, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE CONDITIONS WHEN AN OWNER OF FOREST LAND SHALL BE LIABLE TO A FIREWOOD GATHERER FOR DAMAGES OR INJURIES.

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

SECTION 1. That Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 15, Title 6, Idaho Code, and to read as follows:

CHAPTER 15
LIABILITY TO FIREWOOD GATHERERS

6-1501. DEFINITIONS. As used in this chapter:

(1) "Firewood gatherer" means a person who enters onto forest land with or without the consent of the owner of the forest land or by payment of a fee in order to gather or cut wood for use as firewood.

(2) "Forest land" means any privately owned land being held and used for the continuous purpose of growing and harvesting trees of a marketable species.

6-1502. OWNERS OF FOREST LAND EXEMPT FROM LIABILITY -- EXCEPTION. Notwithstanding any other provision of law, an owner of forest land

shall not be liable to a firewood gatherer for damages or injuries to the firewood gatherer arising from the condition of the forest land or the forest products attached to or upon the forest land unless the damage or injury is caused by the gross negligence, recklessness or intentional misconduct of the owner of the forest land.

Approved April 3, 1986.

CHAPTER 195
(S.B. No. 1369)

AN ACT

RELATING TO STATEMENTS OF CHILDREN IN PRELIMINARY EXAMINATIONS; AMENDING CHAPTER 8, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-809A, IDAHO CODE, TO PROVIDE THAT OUT OF COURT STATEMENTS MADE BY A CHILD UNDER THE AGE OF TEN YEARS AND NOT OTHERWISE ADMISSIBLE BY STATUTE OR COURT RULE SHALL BE ADMISSIBLE UNDER CERTAIN CONDITIONS.

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

SECTION 1. That Chapter 8, 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 19-809A, Idaho Code, and to read as follows:

19-809A. CHILD'S OUT OF COURT STATEMENTS ADMISSIBLE IN PRELIMINARY EXAMINATIONS. Notwithstanding the provisions of sections 19-808 and 19-809, Idaho Code, and any rules promulgated by the Idaho supreme court, in any preliminary examination, the magistrate shall receive into evidence any out of court statement of a child under the age of ten (10) years provided the magistrate finds the source of the evidence credible.

Approved April 3, 1986.

CHAPTER 196
(S.B. No. 1370, As Amended)

AN ACT

RELATING TO STATEMENTS BY CHILDREN UNDER THE AGE OF TEN YEARS; AMENDING CHAPTER 30, TITLE 19, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 19-3024, IDAHO CODE, TO PROVIDE THAT THE STATEMENTS MADE BY A CHILD UNDER THE AGE OF TEN YEARS DESCRIBING ANY ACT OF SEXUAL OR PHYSICAL ABUSE OR OTHER CRIMINAL CONDUCT PERFORMED WITH OR UPON THE CHILD NOT OTHERWISE ADMISSIBLE BY STATUTE OR COURT RULE SHALL BE ADMISSIBLE AFTER A PROPER FOUNDATION HAS BEEN LAID IN ACCORDANCE WITH THE IDAHO RULES OF EVIDENCE IN CERTAIN COURT PROCEEDINGS

AND TO PROVIDE PROCEDURES.

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 19-3024, Idaho Code, and to read as follows:

19-3024. STATEMENTS BY CHILD. Statements made by a child under the age of ten (10) years describing any act of sexual abuse, physical abuse, or other criminal conduct committed with or upon the child, although not otherwise admissible by statute or court rule, are admissible in evidence after a proper foundation has been laid in accordance with the Idaho rules of evidence in any proceedings under the child protective act, chapter 16, title 16, Idaho Code, or in any criminal proceedings in the courts of the state of Idaho if:

1. The court finds, in a hearing conducted outside the presence of the jury that the time, content, and circumstances of the statements provide sufficient indicia of reliability; and

(2) The child either:

(a) Testifies at the proceedings; or

(b) Is unavailable as a witness. A child is unavailable as a witness when the child is unable to be present or to testify at the hearing because of death or then existing physical or mental illness or infirmity. Provided, that when the child is unavailable as a witness, such statements may be admitted only if there is corroborative evidence of the act.

Statements may not be admitted unless the proponent of the statements notifies the adverse party of his intention to offer the statements and the particulars of the statements sufficiently in advance of the proceedings to provide the adverse party with a fair opportunity to prepare to meet the statements.

Approved April 3, 1986.

CHAPTER 197
(S.B. No. 1428)

AN ACT

RELATING TO COMPENSATION OF VICTIMS OF CRIMES; AMENDING SECTION 19-5302, IDAHO CODE, TO PROVIDE THAT THE COURT MAY ORDER THE DEFENDANT TO MAKE CERTAIN PAYMENTS TO GOVERNMENTAL ENTITIES BEFORE MAKING RESTITUTION TO VICTIMS; AMENDING SECTION 19-5304, IDAHO CODE, TO PROVIDE THAT THE DEFINITION OF VICTIM INCLUDE UNREIMBURSED HEALTH CARE PROVIDERS, TO PROVIDE THAT THE COURT MAY ORDER RESTITUTION IN THE JUDGMENT OF CONVICTION AND IN A SEPARATE WRITTEN ORDER, TO PROHIBIT THE COURT FROM ORDERING THE DEFENDANT TO MAKE RESTITUTION IN EXCESS OF THAT AUTHORIZED UNDER THE CHAPTER, TO PROVIDE A DATE FROM WHICH RESTITUTION SHALL BE DUE AND

OWING, TO ALLOW THE ACCRUAL OF INTEREST FROM THE DATE OF ECONOMIC LOSS OR INJURY, AND TO AUTHORIZE THE PAYMENT OF RESTITUTION TO THE COURT FOR DISTRIBUTION TO VICTIMS BY THE COURT.

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

SECTION 1. That Section 19-5302, Idaho Code, be, and the same is hereby amended to read as follows:

19-5302. VICTIMS OF CRIME -- RESTITUTION PRIORITY. If a district court or a magistrate's division orders the defendant to pay restitution, the court shall order the defendant to pay such restitution to the ~~party~~ victim or ~~parties~~ victims injured by the defendant's action. There shall be a full restitution to such ~~party~~ victim or ~~parties~~ victims before the court may order any payment be made by the defendant to any governmental entity ~~for any purpose;~~ provided, however, the court may order the defendant to make the payments required in sections 20-225 and/or 20-614(4), Idaho Code, before any payment of restitution is made to the victim or victims.

SECTION 2. That Section 19-5304, Idaho Code, be, and the same is hereby amended to read as follows:

19-5304. RESTITUTION FOR CRIME VICTIMS -- ORDERS TO BE SEPARATE --WHEN RESTITUTION IS NOT APPROPRIATE -- OTHER REMEDIES -- EVIDENTIARY HEARINGS -- DEFINITIONS. (1) As used in this chapter:

(a) "Economic loss" includes, but is not limited to, the value of property taken, destroyed, broken, or otherwise harmed, lost wages, and direct out-of-pocket losses or expenses, such as medical expenses resulting from the criminal conduct, but does not include less tangible damage such as pain and suffering, wrongful death or emotional distress.

(b) "Found guilty of any crime" shall mean a finding by a court that a defendant has committed a criminal act and shall include an entry of a plea of guilty, an order withholding judgment, suspending sentence, or entry of judgment of conviction for a misdemeanor or felony.

(c) "Value" shall be as defined in section 18-2~~0~~424(11), Idaho Code.

(d) "Property" shall be as defined in section 18-2402(8), Idaho Code.

(e) "Victim" shall mean a person or entity, named in the complaint, information or indictment, who suffers economic loss or injury as the result of the defendant's criminal conduct and shall also include the immediate family of a minor and the immediate family of the actual victim in homicide cases. Victim shall also mean any health care provider who has provided medical treatment to a victim if such treatment is for an injury resulting from the defendant's criminal conduct, and who has not been otherwise compensated for such treatment by the injured victim.

(2) Unless the court determines that an order of restitution would be inappropriate or undesirable, it shall order a defendant

found guilty of any crime which results in an economic loss to the victim to make restitution to the victim. An order of restitution shall be a separate written order in addition to any other sentence the court may impose, including incarceration, and may be complete, partial, or nominal. The court may also include restitution as a term and condition of judgment of conviction; however, if a court orders restitution in the judgment of conviction and in a separate written order, a defendant shall not be required to make restitution in an amount beyond that authorized by this chapter. Restitution shall be ordered for any economic loss which the victim actually suffers. The existence of a policy of insurance covering the victim's loss shall not absolve the defendant of the obligation to pay restitution.

(3) If the court determines that restitution is inappropriate or undesirable or if only partial or nominal restitution is ordered, it shall enter an order articulating the reasons therefor on the record.

(4) If a separate written order of restitution is issued, a~~An~~ order of restitution shall be for an amount certain~~, to be paid at a time certain and may provide for interest thereon at a reasonable rate to be established by the court~~ and shall be due and owing at the time of sentencing or at the date the amount of restitution is determined, whichever is later. An order of restitution may provide for interest from the date of the economic loss or injury.

(5) The court may order the defendant to pay restitution to the victim in any case, regardless of whether the defendant is incarcerated or placed on probation. The court may order the defendant to pay all or a part of the restitution ordered to the court to be distributed by the court to the victims in a manner the court deems just.

(6) Restitution orders shall be entered by the court at the time of sentencing or such later date as deemed necessary by the court. Economic loss shall be based upon the preponderance of evidence submitted to the court by the prosecutor, defendant, victim or presentence investigator. Each party shall have the right to present such evidence as may be relevant to the issue of restitution, and the court may consider such hearsay as may be contained in the presentence report, victim impact statement or otherwise provided to the court.

(7) The court, in determining whether to order restitution and the amount of such restitution, shall consider the amount of economic loss sustained by the victim as a result of the offense, the financial resources, needs and earning ability of the defendant, and such other factors as the court deems appropriate. The immediate inability to pay restitution by a defendant shall not be, in and of itself, a reason to not order restitution.

(8) In determining restitution, where it appears that more than one (1) person is responsible for a crime that results in economic loss to a victim, and one or more of the suspects or defendants are not found, apprehended, charged, convicted or ordered to pay restitution, the court may require the remaining defendant or defendants, who are convicted of or plead guilty to the crime, to be joint and severally responsible for the entire economic loss to the victim.

(9) The court may, with the consent of the parties, order restitution to victims for economic loss or injury for crimes in cases or counts of criminal complaints which are not adjudicated or to victims

who are not before the court.

(10) A defendant, against whom a restitution order has been entered, may, within forty-two (42) days of the entry of the order of restitution, request relief from the restitution order in accordance with the Idaho rules of civil procedure relating to relief from final orders.

(11) An order of restitution shall not preclude the victim from seeking any other legal remedy.

(12) Every presentence report shall include a full statement of economic loss suffered by the victim or victims of the defendant's crime or crimes.

Approved April 3, 1986.

CHAPTER 198
(S.B. No. 1304, As Amended)

AN ACT

RELATING TO SLOW MOVING VEHICLES; AMENDING SECTION 49-801A, IDAHO CODE, TO PROVIDE AN EXCEPTION FOR MOVEMENT OF CERTAIN FARM VEHICLES ON HIGHWAYS, OTHER THAN INTERSTATE HIGHWAYS, DURING A SPECIFIED PERIOD, TO PROVIDE REQUIREMENTS FOR PERSONS OPERATING IMPLEMENTS OF HUSBANDRY FROM ONE-HALF HOUR AFTER SUNSET OR FROM ONE-HALF HOUR BEFORE SUNRISE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-801A, Idaho Code, be, and the same is hereby amended to read as follows:

49-801A. SLOW MOVING VEHICLES -- DEFINITION, RESTRICTION, EQUIPMENT -- EMBLEMS ON CERTAIN MACHINERY. (a) A slow moving vehicle is hereby defined as any vehicle not normally operated upon the highways of the state.

(b) Except for emergency and snow removal vehicles owned and operated by the state or its political subdivisions when enroute to, from, or in the performance of activities essential to the public safety, and implements of husbandry, except on interstate highways, equipped with lights as required by section 49-816, Idaho Code, when being moved from one (1) farm operation to another, and implements of husbandry when operating from one half-hour after sunset to one-half hour before sunrise shall have flashing lamps visible from a distance of not less than five hundred (500) feet to the rear, it shall be unlawful to operate a slow moving vehicle as herein defined on the highways of this state at the following times and under the following circumstances:

(1) from a half hour after sunset to a half hour before sunrise;

(2) at a speed in excess of twenty-five (25) miles per hour;

(3) in such a manner as to obstruct the free movement of traffic

on the highways.

(c) A slow moving motor vehicle as herein defined shall be equipped with a foot brake and with a mechanical signaling device as required for other similarly constructed vehicles by this act.

(d) All slow moving vehicles, farm tractors, road rollers and implements of husbandry shall have affixed thereto an emblem identifying them as slow moving equipment. The Idaho traffic safety commission shall prescribe to the director of the department of law enforcement the minimum standards for such emblem.

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 3, 1986.

CHAPTER 199
(H.B. No. 630)

AN ACT

RELATING TO STOCK WATERING PERMITS; AMENDING CHAPTER 1, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-114, IDAHO CODE, TO PROVIDE THAT ANY PERMIT ISSUED FOR THE WATERING OF DOMESTIC LIVESTOCK SHALL BE ISSUED TO THE PERSON OR ASSOCIATION OF PERSONS MAKING APPLICATION THEREFOR AND THE WATERING OF DOMESTIC LIVESTOCK BY THE PERSON OR ASSOCIATION OF PERSONS TO WHOM THE PERMIT WAS ISSUED SHALL BE DEEMED A BENEFICIAL USE OF THE WATER, AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 1, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-114, Idaho Code, and to read as follows:

42-114. STOCK WATERING PERMIT. Any permit issued for the watering of domestic livestock shall be issued to the person or association of persons making application therefor and the watering of domestic livestock by the person or association of persons to whom the permit was issued shall be deemed a beneficial use of the water.

As used in this section, the "watering of domestic livestock" means the drinking of water by domestic livestock from a natural stream, ground water source or other source.

Approved April 3, 1986.

CHAPTER 200
(H.B. No. 358, As Amended in the Senate)

AN ACT

RELATING TO PAYMENT FOR GOODS AND SERVICES; AMENDING CHAPTER 23, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-2302, IDAHO CODE, TO REQUIRE PROMPT PAYMENT TO VENDORS FOR GOODS AND SERVICES PURCHASED BY THE STATE OR A TAXING DISTRICT; AND TO PROVIDE EFFECTIVE DATES.

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

SECTION 1. That Chapter 23, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-2302, Idaho Code, and to read as follows:

67-2302. PROMPT PAYMENT FOR GOODS AND SERVICES. (1) It is the policy of this state that all bills owed by the state of Idaho or any taxing district within the state shall be paid promptly. No state agency or taxing district supported in whole or in part by tax revenues shall be exempt from the provisions of this section, except as provided in subsection (20).

(2) All bills shall be accepted, certified for payment, and paid within sixty (60) calendar days of receipt of billing, unless the buyer and the vendor have agreed by a contract in place at the time the order was placed that a longer period of time is acceptable to the vendor. An invoice is a written account or itemized statement of merchandise shipped, sent or delivered to the purchaser with quantity, value or price, and charges set forth, and is a demand for payment of the charges set forth.

(3) Unless specifically provided by the terms of a contract that details payment requirements, including penalties for late payments, interest penalties shall be due automatically when bills become overdue. It shall be up to each vendor to calculate and invoice interest at the time payment is due on the principal.

(4) Partial payment shall be made on partial deliveries, if an invoice is submitted for a partial delivery, and the goods delivered are a usable unit. Each complete item or service must be paid for within forty-five (45) calendar days.

(5) All proper deliveries and completed services shall be received or accepted promptly and proper receiving and acceptance reports shall be forwarded to payment offices within five (5) working days of delivery of goods or completion of service.

(6) Payment shall be due on the date on which the agency officially receives the invoice or actually receives the goods or services, whichever is later.

(7) The rate of interest to be paid by the state or any taxing district shall be the rate provided in section 63-3045, Idaho Code.

(8) Unpaid interest penalties owed to a vendor shall compound each month.

(9) The provisions of this section shall apply to all purchases, leases, rentals, contracts for services, construction, repairs and remodeling.

(10) No discount offered by a vendor shall be taken by the state or a taxing district or by a project manager administering a state or taxing district supported project, unless full payment is made within the discount period. In the event a discount is taken later, interest shall accrue on the unpaid balance from the day the discount offer expired.

(11) Interest shall be paid from funds already appropriated or budgeted to the offending agency or taxing district or project for that fiscal year. If more than one (1) department, institution or agency has caused a late payment, each shall bear a proportionate share of the interest penalty.

(12) In instances where an invoice is filled out incorrectly, or where there is any defect or impropriety in an invoice submitted, the state agency, taxing district, or project, shall contact the vendor in writing within ten (10) days of receiving the invoice. An error on the vendor's invoice, if corrected by the vendor within five (5) working days of being contacted by the agency or taxing district, shall not result in the vendor being paid late.

(13) Checks or warrants shall be mailed or transmitted within a reasonable time after approval.

(14) No new appropriation or budget is authorized under the provisions of this section to cover interest penalties. No state agency, taxing district, or project shall seek to increase appropriations or budgets for the purpose of obtaining funds to pay interest penalties.

(15) Payment of interest penalties may be postponed when payment on the principal is delayed because of a disagreement between the state or taxing district and the vendor. At the resolution of any dispute, vendors shall be entitled to receive interest on all proper invoices not paid for as provided in subsection (2) of this section.

(16) The provisions of this section shall in no way be construed to prohibit the state or any taxing district from making advanced payments, progress payments, or from prepaying where circumstances make such payments appropriate. All such payments shall be made promptly and are subject to interest penalties when payment is late. Where construction, repair and remodeling payments are subject to retainage, interest penalties shall accrue on retained amounts beginning thirty (30) calendar days after work is completed by the contractor(s) unless otherwise provided by contract.

(17) Each state department, institution and agency head shall be responsible for prompt payments. In all instances where an interest payment has been made by a state agency because of a late payment, the responsible state agency head shall submit to the joint senate finance-house appropriations committee of the legislature at the time of that agency's budget request hearing an explanation of why the bill is paid late and what is being done to solve the late payment problem.

(18) Whenever a vendor brings formal administrative action or judicial action to collect interest due under this section, should the vendor prevail, the state or taxing district is required to pay any

reasonable attorney fees awarded.

(19) Where the date of payment to vendors is contingent on the receipt of federal funds or federal approval, the solicitation of bids for contracts and any contracts awarded shall clearly state that payment is contingent on such conditions.

(20) The provisions of this section shall not apply to claims against a county for services rendered to any medically indigent, sick or otherwise indigent person, nor to judgment obligations.

SECTION 2. This act shall be in full force and effect for the state, for junior college districts and for school districts on and after July 1, 1986. This act shall be in full force and effect for all other taxing districts on and after October 1, 1986.

Approved April 3, 1986.

CHAPTER 201
(H.B. No. 451)

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE THAT IF AN ALCOHOL EVALUATION INDICATES A NEED FOR TREATMENT FOR A CONVICTED DRUNK DRIVER, THE EVALUATION SHALL CONTAIN A RECOMMENDATION FOR THE MOST APPROPRIATE TREATMENT PROGRAM AND COSTS OF SUCH TREATMENT AND ALTERNATIVES, TO PROVIDE THAT IF A COMPLETED ALCOHOL EVALUATION HAS NOT BEEN PROVIDED TO THE COURT, IT SHALL BE PRESUMED THAT ALCOHOL TREATMENT IS REQUIRED UNLESS THE DEFENDANT MAKES A SHOWING BY A PREPONDERANCE OF EVIDENCE THAT TREATMENT IS NOT REQUIRED, AND TO PROVIDE THAT A COURT SHALL REQUIRE A DEFENDANT TO COMPLETE AN ALCOHOL TREATMENT PROGRAM IF THE ALCOHOL EVALUATION RECOMMENDS ALCOHOL TREATMENT WITH EXCEPTIONS; AND AMENDING SECTION 18-8006, IDAHO CODE, TO PROVIDE IN SITUATIONS OF AGGRAVATED DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES, RESTITUTION SHALL BE MANDATORY, IN ACCORDANCE WITH THE CRIME VICTIMS COMPENSATION ACT.

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

SECTION 1. That Section 18-8005, Idaho Code, be, and the same is hereby amended to read as follows:

18-8005. PENALTIES. (1) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004, 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;

(b) May be fined an amount not to exceed one thousand dollars ($1,000);

(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 the provisions of section 18-8004, 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 the provisions of section 18-8004, Idaho Code, for the second time within five (5) years, 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;

(b) May be fined an amount not to exceed two thousand dollars ($2,000);

(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 the provisions of section 18-8004, 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;

(d) Shall surrender his license or permit to the court; and

(e) Shall have his driving privileges suspended by the court for an additional mandatory minimum period of six (6) months after release from confinement, and may have his driving privileges suspended 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 family health needs or for his employment which requires that he operate a motor vehicle while on the job and in the course of his employment. That the defendant must commute between his residence and place of employment is not grounds for allowing the defendant to have restricted driving privileges.

(3) Any person who pleads guilty to or is found guilty of three (3) or more violations of the provisions of section 18-8004, Idaho Code, within five (5) years, 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; provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall

be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars ($5,000);

(c) Shall surrender his license or permit to the court; and

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind.

(4) For the purposes of paragraphs (2) and (3) of this section, convictions of violation of the provisions of section 49-1102, Idaho Code, shall be considered by the court to determine if a later conviction is a second or subsequent conviction only if such convictions were of violations committed on or after July 1, 1983.

(5) Any person who pleads guilty to or is found guilty of a violation of the provisions of section 18-8004 or 18-8006, Idaho Code, shall undergo, at his own expense, (or at county expense through the procedures set forth in chapters 34 and 35, title 31, Idaho Code,) 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. In the event the alcohol evaluation indicates the need for alcohol treatment, the evaluation shall contain a recommendation by the evaluator as to the most appropriate treatment program, together with the estimated cost thereof, and recommendations for other suitable alternative treatment programs, together with the estimated costs thereof. The 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 a copy of the completed evaluation has not been provided to the court, the court may proceed to sentence the defendant; however, in such event, it shall be presumed that alcohol treatment is required unless the defendant makes a showing by a preponderance of evidence that treatment is not required. If the defendant has not made a good faith effort to provide the completed copy of the evaluation to the court, 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, with the exception of federally recognized Indian tribes or federal military installations, where diagnosis and treatment are appropriate and available. Nothing herein contained shall preclude the use of funds authorized pursuant to the provisions of chapter 3, title 39, Idaho Code, for court-ordered alcohol treatment for indigent defendants.

(6) 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;

(b) A computer or teletype or other acceptable copy of the person's driving record;

(c) Information as to whether the defendant has pled guilty to or

been found guilty of violation of the provisions of section 18-8004 or 18-8006, Idaho Code, or a similar offense within the past five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s); and

(d) The alcohol evaluation required in subsection (5) of this section, if any.

(7) A minor may be prosecuted for a violation of the provisions of section 18-8004, 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 the provisions of section 18-8004, 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 the age of eighteen (18) years, whichever period is greater. During the period of additional suspension or denial, absolutely no driving privileges shall be allowed.

(8) In the event that the alcohol evaluation required in subsection (5) of this section recommends alcohol treatment, the court shall order the person to complete a treatment program in addition to any other sentence which may be imposed, unless the court determines that alcohol treatment would be inappropriate or undesirable, in which event, the court shall enter findings articulating the reasons for such determination on the record. The court shall order the defendant to complete the preferred treatment program set forth in the evaluation, or a comparable alternative, unless it appears that the defendant cannot reasonably obtain adequate financial resources for such treatment. In that event, the court may order the defendant to complete a less costly alternative set forth in the evaluation, or a comparable program. Such treatment shall, to the greatest extent possible, be at the expense of the defendant. In the event that funding is provided for or on behalf of the defendant by an entity of state government, restitution shall be ordered to such governmental entity in accordance with the restitution procedure for crime victims, as specified under chapter 53, title 19, Idaho Code. Nothing contained herein shall be construed as requiring a court to order that a governmental entity shall provide alcohol treatment at government expense unless otherwise required by law.

SECTION 2. That Section 18-8006, Idaho Code, be, and the same is hereby amended to read as follows:

18-8006. 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 the provisions of section 18-8004, Idaho Code, is guilty of a felony, and upon conviction:

(a) Shall be sentenced to the state board of correction for not to exceed five (5) years, provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory

minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars ($5,000);

(c) Shall surrender his license or permit to the court; and

(d) Shall have his driving privileges suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his driving privileges suspended by the court for not to exceed five (5) years after release from imprisonment, during which time he shall have absolutely no driving privileges of any kind; and

(e) Shall~~, when appropriate,~~ be ordered by the court to pay restitution in accordance with chapter 53, title 19, Idaho Code.

(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).

Approved April 3, 1986.

CHAPTER 202
(H.B. No. 478)

AN ACT

RELATING TO EXERCISE OF PEREMPTORY CHALLENGES; AMENDING SECTION 19-2030, IDAHO CODE, TO PROVIDE THAT THE TOTAL NUMBER OF JURORS WHO WILL HEAR THE CASE, PLUS A NUMBER OF JURORS REPRESENTING THE TOTAL NUMBER OF POSSIBLE PEREMPTORY CHALLENGES, MAY BE CALLED AND EXAMINED FOR CAUSE BEFORE PARTIES BEGIN TO EXERCISE THEIR PEREMPTORY CHALLENGES.

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

SECTION 1. That Section 19-2030, Idaho Code, be, and the same is hereby amended to read as follows:

19-2030. ALTERATION OF PEREMPTORY CHALLENGES. After the jury is passed for cause, both parties alternately, beginning with the people, may take their peremptory challenges. But no challenge is lost by failure to alternate if the panel is opened by the other party; and each party is entitled to a full panel before exercising a peremptory challenge. Provided, however, in the discretion of the court, the number of jurors who will hear the case, plus a number of jurors representing the total number of possible peremptory challenges, may be called and examined for cause before the parties begin to exercise their peremptory challenges.

Approved April 3, 1986.

CHAPTER 203
(H.B. No. 495)

AN ACT

RELATING TO RENEWAL AND REINSTATEMENT OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE; AMENDING SECTION 49-3408, IDAHO CODE, TO PROVIDE THAT THE LICENSE, PERMIT AND DRIVING PRIVILEGES OF ANY OPERATOR OR CHAUFFEUR WHICH HAVE BEEN SUSPENDED FOR NONPAYMENT OF AN INFRACTION PENALTY SHALL NOT BE REINSTATED OR RENEWED UNTIL THE PENALTY FOR THE INFRACTION HAS BEEN PAID TO THE COURT IN THE COUNTY IN WHICH THE CITATION WAS ISSUED, AND TO PROVIDE THAT ANY PERSON OPERATING A MOTOR VEHICLE AFTER THE EXPIRATION OF A NINETY DAY SUSPENSION UNDER THIS SECTION WHOSE LICENSE HAS NOT BEEN REINSTATED OR RENEWED, SHALL BE IN VIOLATION OF THE PROVISIONS OF SECTION 49-307, IDAHO CODE, FOR OPERATING A MOTOR VEHICLE WITHOUT A LICENSE; AMENDING SECTION 49-322, IDAHO CODE, TO PROVIDE THAT NO LICENSE WHICH HAS BEEN SUSPENDED FOR THE FAILURE OF A LICENSEE TO PAY AN INFRACTION PENALTY SHALL BE RENEWED UNTIL THE LICENSEE PROVIDES PROOF THAT THE INFRACTION PENALTY HAS BEEN PAID TO THE COURT; AMENDING SECTION 49-331A, IDAHO CODE, TO PROVIDE THAT NO LICENSE WHICH HAS BEEN SUSPENDED FOR THE FAILURE OF A LICENSEE TO PAY AN INFRACTION PENALTY SHALL BE REINSTATED UNTIL THE LICENSEE PROVIDES PROOF THAT THE INFRACTION PENALTY HAS BEEN PAID TO THE COURT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-3408, Idaho Code, be, and the same is hereby amended 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 for a period of ninety (90) days or until the penalty has been paid, ~~or for a maximum period of ninety (90) days~~ whichever comes first, 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 nonpay-

ment 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) After the expiration of a ninety (90) day suspension under this section, the license, permit and driving privileges of the operator or chauffeur whose license was suspended shall not be reinstated under the provisions of section 49-331A, Idaho Code, nor renewed under the provisions of section 49-322, Idaho Code, until the penalty for the infraction has been paid to the court in the county in which the citation was issued.

(5) Any person operating a motor vehicle after the expiration of a ninety (90) day suspension under this section, whose license has not been reinstated under the provisions of section 49-331A, Idaho Code, or renewed under the provisions of section 49-322, Idaho Code, shall be in violation of the provisions of section 49-307, Idaho Code, for operating a motor vehicle without a license.

(6) 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 2. That Section 49-322, Idaho Code, be, and the same is hereby amended to read as follows:

49-322. EXPIRATION AND RENEWAL OF OPERATOR'S AND CHAUFFEUR'S LICENSE -- 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 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 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 the fee fixed in section 49-312, Idaho Code, an extension of the license, but 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.

(e) Provided, no license which has been suspended under section 49-3408, Idaho Code, for failure to pay an infraction penalty shall be renewed until the licensee provides proof that the infraction penalty has been paid to the court.

SECTION 3. That Section 49-331A, Idaho Code, be, and the same is hereby amended to read as follows:

49-331A. REINSTATEMENT OF REVOKED OR SUSPENDED LICENSE -- FEE -- WHEN REINSTATEMENT PROHIBITED. 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); provided, no license which has been suspended under section 49-3408, Idaho Code, for failure to pay an infraction penalty shall be reinstated until the licensee provides proof that the infraction penalty has been paid to the court.

SECTION 4. This act shall be in full force and effect on and after July 1, 1986, and shall apply to all infractions citations

issued after the effective date of the act.

Approved April 3, 1986.

CHAPTER 204
(H.B. No. 525)

AN ACT
RELATING TO CLASSIFIED STATE EMPLOYEES; AMENDING SECTION 67-5303, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM CLASSIFIED SERVICE FOR EMPLOYEES OF THE IDAHO STATE BAR.

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 ~~S~~supreme ~~C~~court and district courts.

(h) All employees of the Idaho state bar.

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

(~~i~~j) 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~~k) Employees of the military division not assigned to the bureau of disaster services.

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

(~~l~~m) 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~~n) Temporary employees.

(~~n~~o) 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 commis-

sion, as provided in chapter 31, title 25, Idaho Code.

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

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

Approved April 3, 1986.

CHAPTER 205
(H.B. No. 528, As Amended)

AN ACT

RELATING TO THE AWARD OF ATTORNEY FEES IN CIVIL ACTIONS; AMENDING SECTION 12-120, IDAHO CODE, TO INCREASE THE THRESHOLD AMOUNT PLEADED OR CLAIMED IN CERTAIN CIVIL ACTIONS BEFORE ATTORNEY FEES WILL BE ALLOWED, TO PROVIDE THAT PERSONS BRINGING COUNTERCLAIMS, CROSS-CLAIMS, AND THIRD PARTY CLAIMS MAY BE ALLOWED ATTORNEY FEES, TO PROVIDE THAT IN ANY CIVIL ACTION TO RECOVER AMOUNTS DUE ON COMMERCIAL TRANSACTION THE PREVAILING PARTY SHALL BE ALLOWED A REASONABLE ATTORNEY FEE AND TO DEFINE COMMERCIAL TRANSACTION.

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

SECTION 1. That Section 12-120, Idaho Code, be, and the same is hereby amended to read as follows:

12-120. ATTORNEY FEES IN CIVIL ACTIONS. (1) Except as provided in subsection (2) of this section, in any action where the amount pleaded is ~~two~~ twenty-five thousand ~~five-hundred~~ dollars (~~$2,500~~25,000) or less, ~~and-the-plaintiff-prevails-in-the-action,~~ there shall be taxed and allowed to the ~~plaintiff~~ prevailing party, as part of the costs of the action, a reasonable amount to be fixed by the court as attorney fees. For the plaintiff to be awarded attorney fees, for the prosecution of the action, ~~if-the-court-finds-that~~ written demand for the payment of such claim ~~was~~ must have been made on the defendant not less than ten (10) days before the commencement of the action; provided, that no attorney fees shall be allowed to the plaintiff if the court finds that the defendant tendered to the plaintiff, prior to the commencement of the action, an amount at least equal to ninety-five per cent (95%) of the amount awarded to the plaintiff.

~~If-the-defendant-pleads-a-counterclaim,-not-to-exceed-two-thousand five-hundred-dollars-($2,500)-and-the-defendant-is-awarded--an--amount on--his--counterclaim--at-least-equal-to-ninety-five-per-cent-(95%)-of the-amount-awarded-on-the--counterclaim,--there--shall--be--taxed--and allowed--to--the--defendant,--as--part--of--the-costs-of-the-action,-a reasonable-amount-to-be-fixed-by-the-court-as-attorney--fees--for--the prosecution-of-the-counterclaim.~~

(2) The provisions of subsection (1) of this section shall also apply to any counterclaims, cross-claims or third party claims which may be filed after the initiation of the original action. Except that

a ten (10) day written demand letter shall not be required in the case of a counterclaim.

(~~2~~3) In any civil action to recover on an open account, account stated, note, bill, negotiable instrument, guaranty, or contract relating to the purchase or sale of goods, wares, ~~or~~ merchandise, or services and in any commercial transaction unless otherwise provided by law, the prevailing party shall be allowed a reasonable attorney fee to be set by the court, to be taxed and collected as costs.

The term "commercial transaction" is defined to mean all transactions except transactions for personal or household purposes.

Approved April 3, 1986.

CHAPTER 206
(H.B. No. 556, As Amended, As Amended in the Senate)

AN ACT

RELATING TO HIGHWAYS OF COUNTIES AND HIGHWAY DISTRICTS; AMENDING SECTION 40-201, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 40-202, IDAHO CODE, TO PROVIDE FOR THE INITIAL DESIGNATION OF PUBLIC HIGHWAYS IN A COUNTY OR HIGHWAY DISTRICT HIGHWAY SYSTEM; AMENDING SECTION 40-203, IDAHO CODE, TO PROVIDE FOR THE ABANDONMENT AND VACATION OF COUNTY AND HIGHWAY DISTRICT SYSTEM HIGHWAYS; AND AMENDING CHAPTER 2, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-203A, IDAHO CODE, TO PROVIDE FOR THE VALIDATION OF COUNTY AND HIGHWAY DISTRICT SYSTEM HIGHWAYS.

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

SECTION 1. That Section 40-201, Idaho Code, be, and the same is hereby amended to read as follows:

40-201. STATE HIGHWAY, COUNTY ~~ROAD~~ HIGHWAY, HIGHWAY DISTRICTS AND CITY ~~STREET~~ HIGHWAY SYSTEMS ESTABLISHED. There shall be a system of state highways in the state, a system of county ~~roads~~ highways in each county, a system of highways in each highway district, and a system of ~~streets~~ highways in each city, except as otherwise provided.

SECTION 2. That Section 40-202, Idaho Code, be, and the same is hereby amended to read as follows:

40-202. ~~RECORDED AND WORKED~~ DESIGNATION OF HIGHWAYS. (1) The initial selection of the county highway system and highway district system may be accomplished in the following manner:

(a) The board of county or highway district commissioners shall cause a map to be prepared showing each highway in their jurisdiction, and the commissioners shall cause notice to be given of intention to adopt the map as the official map of that system, and shall specify the time and place at which all interested persons may be heard.

(b) After the hearing, the commissioners shall adopt the map, with any changes or revisions considered by them to be advisable in the public interest, as the official map of the respective highway system.

(2) If a county or highway district acquires an interest in real property for highway purposes, the respective commissioners shall:

(a) Cause any order or resolution enacted, and deed or other document establishing an interest in the property for their highway system purposes to be recorded in the county records; and

(b) Cause the official map of the county or highway district system to be amended as affected by the acceptance of the highway.

(3) ~~Roads~~ Highways laid out and recorded ~~as highways,~~ by order of a board of commissioners, and all ~~roads used as~~ highways used for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways. Whenever any corporation owning a ~~road or a bridge~~ highway is dissolved, or discontinues the ~~road or bridge~~ highway, the ~~bridge or road~~ highway may becomes a public highway. If a highway created in accordance with the provisions of this subsection is not designated on the official map of the respective highway system, there shall be no duty to maintain that highway, nor shall there be any liability for any injury or damage for failure to maintain it or any highway signs, until the highway is designated as a part of the county or highway district system by inclusion on the official map.

(4) Nothing in this section shall limit the power of any board of commissioners to subsequently include or exclude any highway from the county or highway district system in the same manner provided for the selection of the initial highway system as provided by law.

SECTION 3. That Section 40-203, Idaho Code, be, and the same is hereby amended to read as follows:

40-203. ABANDONMENT AND VACATION OF COUNTY AND HIGHWAY DISTRICT SYSTEM HIGHWAYS. (1) A board of county or highway district commissioners, whichever shall have jurisdiction of the highway system, shall use the following procedure to withdraw public highway status from any highway in the county or highway district system:

(a) The commissioners may by resolution declare its intention to abandon and vacate any highway considered no longer to be in the public interest.

(b) Any resident within a county or highway district system may petition the respective commissioners for abandonment and vacation. The petitioner shall pay a reasonable fee as determined by the commissioners to cover the cost of the proceedings.

(c) The commissioners shall establish a hearing date on the proposed abandonment and vacation.

(d) The commissioners shall prepare a report stating the effects of the proposed abandonment and vacation on the public interest.

(e) The commissioners shall publish notice of the hearing in accordance with the provisions of section 40-206, Idaho Code, and shall mail notice to owners of land abutting the portion of the

highway proposed to be abandoned and vacated at their addresses as shown on the county assessor's tax rolls at least fifteen (15) days prior to the date of the hearing.

(f) At the hearing, the commissioners shall review the report prepared under this section and shall accept testimony from persons having an interest in the proceedings.

(g) After completion of the procedures, the commissioners may retain the highway as such or may by order or resolution declare the highway status withdrawn from all or part of the portion of the highway under consideration.

(h) The commissioners shall cause any order or resolution to be recorded in the county records and the official map of the highway system to be amended as affected by the abandonment and vacation.

(2) No highway or part of it shall be abandoned and vacated so as to leave any real property adjoining the highway without an established highway connecting that real property with another highway.

(3) In the event of abandonment and vacation, rights-of-way or easements may be reserved for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone and similar lines and appurtenances.

(4) A ~~road~~ highway established by prescription not worked or used for a period of five (5) years ceases to be a highway for any purpose whatever, unless the highway is designated as a part of a county or highway district system by inclusion on the official map. In the case of ~~roads~~ highways furnishing public access to state or federal public lands or waters, no person may encroach upon them and restrict public use without first petitioning for the abandonment of the ~~road~~ highway to the appropriate commissioners of the county or highway district in which the ~~road~~ highway is located. Until abandonment is authorized by the commissioners having jurisdiction, public use of the ~~road~~highway may not be restricted or impeded by encroachment or installation of any obstruction restricting public use, or by the installation of signs or notices that might tend to restrict or prohibit public use.

SECTION 4. That Chapter 2, 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 40-203A, Idaho Code, and to read as follows:

40-203A. VALIDATION OF COUNTY OR HIGHWAY DISTRICT SYSTEM HIGHWAY. (1) A board of county or highway district commissioners, whichever shall have jurisdiction of the highway system, may initiate proceedings to validate a highway if any of the following conditions exist:

(a) If, through omission or defect, doubt exists as to the legal establishment or evidence of establishment of a highway;

(b) If the location of the highway cannot be accurately determined due to numerous alterations of the highway, a defective survey of the highway or adjacent property, or loss or destruction of the original survey of the highway; or

(c) If the highway as traveled and used does not conform to the location of a highway described on the official map or in the

public records.

(2) If proceedings for validation of a highway are initiated, the commissioners shall:

(a) Cause the highway to be surveyed;

(b) Cause a report to be prepared, including the survey and any other information required by the board;

(c) Establish a hearing date on the proceedings for validation;

(d) Cause notice of the proceedings to be provided in the same manner as for abandonment and vacation proceedings; and

(e) At the hearing, the commissioners shall consider all information relating to the proceeding and shall accept testimony from persons having an interest in the proposed validation.

(3) Upon completion of the proceedings, the commissioners shall determine whether validation of the highway is in the public interest and shall enter an order discontinuing or completing the validation procedures.

(4) When a board of commissioners confirms a highway, it shall cause the survey to be recorded in the county records and shall amend the official map of the county or highway district system.

(5) The commissioners shall proceed to determine and provide just compensation for the removal of any structure encroaching on a highway that is the subject of a validation proceeding, or if such is not practical, the commissioners may acquire property to alter the highway being validated.

Approved April 3, 1986.

CHAPTER 207
(H.B. No. 567)

AN ACT

RELATING TO VESSELS; REPEALING CHAPTER 32, TITLE 49, IDAHO CODE; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 70, IDAHO CODE, TO PROVIDE FOR A PURPOSE AND A SHORT TITLE; TO PROVIDE FOR JURISDICTION AND AUTHORITY; TO PROVIDE FOR DEFINITIONS; TO PROVIDE HULL IDENTIFICATION NUMBERS; TO PROVIDE FOR CAPACITY PLATES AND NUMBERS; TO PROVIDE FOR CERTIFICATION LABELS AND THEIR CONTENTS; TO PROVIDE FOR CERTIFICATES OF REGISTRATION, THEIR EXPIRATION AND FEES; TO PROVIDE FOR EXEMPTIONS FROM NUMBERING PROVISIONS; TO PROVIDE FOR THE OPERATION OF UNNUMBERED VESSELS; TO PROVIDE FOR USE PERMITS, THEIR EXPIRATION, FEES, AND COLLECTION EXEMPTIONS; TO PROVIDE FOR COUNTY ADVISORY COMMITTEES; TO PROVIDE FOR THE REMITTANCE OF FEES; TO PROVIDE FOR AN ADMINISTRATIVE FEE FOR VESSELS; TO PROVIDE FOR SAFETY EQUIPMENT AND ADDITIONAL REGULATIONS; TO PROVIDE FOR GROSSLY NEGLIGENT OPERATION; TO PROVIDE FOR NEGLIGENT OPERATION; TO PROVIDE FOR UNLICENSED COMMERCIAL VESSELS; TO PROVIDE FOR SPEED; TO PROVIDE FOR THE INCAPACITY OF THE OPERATOR; TO PROVIDE FOR DIVERS' WARNINGS; TO PROVIDE FOR OVERLOADING; TO PROVIDE FOR OVERPOWERING; TO PROVIDE FOR WATER SKIING; TO PROVIDE FOR INTERFERENCE WITH NAVIGATION; TO PROVIDE

FOR RESTRICTED AREAS; TO PROVIDE FOR COLLISIONS, ACCIDENTS, CASUALTIES AND REPORTS; TO PROVIDE FOR ENFORCEMENT; TO PROVIDE FOR AGENTS OF THE DEPARTMENT; TO PROVIDE FOR REGATTAS, RACES, MARINE EVENTS, TOURNAMENTS AND EXHIBITIONS; TO PROVIDE FOR THE MARKING OF WATER AREAS, PROCEDURES AND LOCAL RULES; TO PROVIDE FOR OWNER'S RESPONSIBILITY AND PRESUMPTION OF CONSENT; TO PROVIDE FOR PENALTIES; AMENDING SECTION 63-105P, IDAHO CODE, TO PROVIDE FOR A CHANGE IN CODE REFERENCES AND ADDITIONAL TERMINOLOGY; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Chapter 32, Title 49, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 70, Title 67, Idaho Code, and to read as follows:

CHAPTER 70
IDAHO SAFE BOATING ACT

67-7001. PURPOSE. It is hereby declared to be the policy of the state of Idaho to improve boating safety, to foster the greater development, use and enjoyment of the waters of this state by watercraft and to adopt certain standards for the safe operation and equipment of vessels. This chapter may be known and shall be cited as the "Idaho Safe Boating Act."

67-7002. JURISDICTION AND AUTHORITY. This chapter shall apply to all vessels operated on the waters of and over which the state of Idaho shall have jurisdiction. The department is hereby granted authority to carry out the administration of the provisions of this chapter, and to promulgate rules and regulations in compliance with chapter 52, title 67, Idaho Code, to effectuate that purpose.

67-7003. DEFINITIONS. In this chapter:

(1) "Aids to navigation" mean such buoys, batons, markers or other fixed objects in the water which are established and used to mark obstructions or to direct navigation through separate channels.

(2) "Authorized vendor" means a retail/commercial enterprise or government office authorized by the department to sell certificates of registration and use permits as provided in sections 67-7008 and 67-7011, Idaho Code.

(3) "Commercial vessel" means any vessel used in the carriage of any person, persons or property for a valuable consideration, whether directly or indirectly flowing to the owner, partner, agent or any other person interested in the vessel.

(4) "Department" means the Idaho department of parks and recreation.

(5) "Director" means the director of the Idaho department of

parks and recreation.

(6) "Length of vessel" means the distance measured at the centerline at the highest point above the waterline from the fore-part of the outer hull at the bow to the aft-part of the outer hull at the stern, excepting any bowsprits, railings or extraneous or additional equipment.

(7) "Manufacturer" means any person who is engaged in the business of manufacturing or importing new and unused vessels for the purpose of sale or trade.

(8) "Operate" means to navigate or otherwise use a vessel on the water of this state.

(9) "Operator" means any person who controls the direction or propulsion of any vessel on the water of this state.

(10) "Owner" means any person having a property interest in or entitled to the use or possession of a vessel, including a person entitled to use or possession subject to the interest in another person reserved or created by agreement and securing payment of performance of an obligation, but not including a lessee under lease not intended as security.

(11) "Passenger" means every person carried aboard a vessel other than:

(a) The owner or his representative;

(b) The operator;

(c) A bona fide member of the crew engaged in the business of the vessel who has contributed no consideration for carriage and who is paid for his services; or

(d) Any guest on board a vessel which is used exclusively for pleasure purposes who has not contributed any consideration directly or indirectly for his carriage.

(12) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, except the United States and the state of Idaho, and includes any agent, trustee, executor, reserve assignee or similar representative of any of the above.

(13) "Private label merchandiser" means any person engaged in the business of selling or distributing, under his own trade name, vessels manufactured by another.

(14) "Regatta," "Race," "Marine Event," "Tournament," or "Exhibition" means an organized water event of limited duration which is conducted according to a prearranged schedule.

(15) "Regulatory markers" mean any fixed or anchored aid to navigation which is established and used, but is not limited to, the bathing beach markers, speed zone markers, information markers, swimming or diving markers, floating mooring buoys, fishing buoys or markers for ski courses or jumps.

(16) "Rules of the road" mean the statutory and regulatory rules governing the navigation of vessels as published by the United States Coast Guard in Navigational Rules International -- Inland.

(17) "Vessel" means every description of watercraft, including a seaplane on the water, used or capable of being used as a means of transportation on water.

(18) "Water of this state" means any waters in the state of Idaho

over which the state has jurisdiction.

67-7004. HULL IDENTIFICATION NUMBER. (1) All vessels, except seaplanes, shall have two (2) identical hull identification numbers permanently displayed and affixed in accordance with federal regulations.

(2) A person who builds or imports a vessel for his own use and not for the purposes of sale shall request a hull identification number from the director and affix the number as instructed.

(3) No person shall destroy, remove, alter, or cover a vessel hull identification number.

67-7005. CAPACITY PLATE AND CERTIFICATION. All vessels, except seaplanes, constructed after November 1, 1972, and manufactured in or used on the waters of this state and under twenty (20) feet in length, except sailboats, canoes, kayaks and inflatable boats, shall have a certification and capacity plate permanently affixed to the vessel at a location so as to be clearly visible and legible from the position designed or normally intended to be occupied by the operator of the vessel when it is underway in the water.

67-7006. CAPACITY PLATE -- CONTENTS. A capacity plate shall bear the following information permanently marked thereon:

(1) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:

(a) The total weight of person, motor, gear, and other articles placed aboard which the vessel is safely capable of carrying under normal conditions.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.

(c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be part of total weight capacity.

(d) The maximum horsepower of the motor the vessel is designed or intended to accommodate.

(2) For all other vessels to which this chapter applies:

(a) The total weight of persons, gear and other articles placed aboard which the vessel is safely capable of carrying under normal conditions.

(b) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than one hundred fifty (150) pounds.

(c) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

67-7007. CERTIFICATION LABEL -- CONTENTS. The certification label shall contain the following information in letters no less than one-eighth (1/8) inch in height and the information letters shall contrast

with the basic color of the label and identify:

(1) The name and address (city and state) of the manufacturer. If the vessel is manufactured outside the United States, the importer shall be considered the statutory manufacturer, and his name and U.S. address shall appear on the label; or, if the vessel is to be sold at retail by a private label merchandiser, then his name and address may appear on the label.

(2) A statement that:

(a) "This Boat (or Vessel) Complies With U.S. Coast Guard Safety Standards in Effect on (month and year of certification)" or;

(b) "This Boat (or Vessel) Complies With U.S. Coast Guard Safety Standards in Effect on the Date of Certification" and;

(c) If the vessel displays a stability warning label as required by federal law the certification label shall also show the words, "This Boat Complies With U.S. Coast Guard Safety Standards, Except Load Capacity, in Effect on the Date of Certification" (or the actual date of such certification).

(3) The display of the certification and the capacity information required by this chapter may be combined on one (1) label provided the two (2) information displays are separated by a prominent line or border and the capacity information is the most prominent by virtue of larger type face, bolder type face or contrasting color background.

(4) The information relating to capacity required by this chapter shall be determined by any of the methods and formulas used, recommended or recognized by the U.S. Coast Guard or any agencies successor thereto.

67-7008. CERTIFICATE OF REGISTRATION -- EXPIRATION -- FEES. (1) Within fifteen (15) days after purchase, or as otherwise herein provided, the owner of each vessel requiring numbering by the state of Idaho shall file an application for registration with an assessor or authorized vendor on forms provided by the department. The application shall be signed by the owner and shall be accompanied by the fee herein designated. Upon receipt of an application in approved form, and the appropriate fee, the assessor or authorized vendor shall enter the same upon the records of its office and issue to the applicant two (2) validation stickers and a certificate of registration stating the number issued to the vessel, the receipt of any fee paid and the name and address of the owner, and the assessor or authorized vendor shall forward to the department a duplicate copy. The owner shall paint on or permanently attach to each side of the bow of the vessel the registration number and validation sticker in a manner as may be prescribed by rules and regulations of the department in order that they may be completely visible, and the number shall be maintained in legible condition. The certificate of registration shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever that vessel is in operation, except that livery operators may have the rental agreement on board rented vessels in lieu of the certificate of registration.

(2) The owner of any vessel for which a current certificate of registration has been issued pursuant to any federal law or a federally approved numbering system of another state shall, if the vessel

is operated on the waters of this state in excess of sixty (60) days, make application for a certificate of Idaho registration in the manner prescribed in this section.

(3) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for certificates of registration, together with the amount of the fees paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of each record for the preceding month.

(4) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(5) Every certificate of registration issued shall continue in full force and effect through December 31 of the year of issue unless sooner terminated or discontinued in accordance with law. Certificates of registration may be renewed by the owner in the same manner provided for in the initial securing of them.

(6) The owner of any vessel shall notify the department within fifteen (15) days if his vessel is destroyed or abandoned, or is sold or transferred either wholly or in part to another person or persons or if the owner's address no longer conforms to the address appearing on the certificate of registration. In all such cases, the notice shall be accompanied by a surrender of the certificate of registration. When the surrender of the certificate is by reason of the vessel being destroyed, abandoned or sold, the department shall cancel the certificate and enter that fact in its records. If the surrender is by reason of a change of address on the part of the owner, the new address shall be endorsed on the certificate and the certificate returned to the owner.

(7) Whenever the ownership of a vessel changes, the purchaser shall, within fifteen (15) days after acquisition, make application to the department for transfer to him of the certificate of registration issued for the vessel, giving his name, address, and the number of the vessel and shall, at the same time, pay to the department a transfer fee of three dollars ($3.00). Upon receipt of the application and fee, the department shall transfer the certificate of registration issued for the vessel to the new owner or owners. Unless the application is made and the fee paid within fifteen (15) days, the vessel shall be considered to be without a certificate of registration.

(8) No number other than the registration number issued to a vessel or granted by reciprocity pursuant to law shall be painted, attached, or otherwise displayed on either side of the bow of the vessel.

(9) If any certificate of registration becomes lost, mutilated, or becomes illegible, the owner of the vessel for which the same was issued shall obtain a duplicate of the certificate from the department upon application and the payment of a fee of three dollars ($3.00). If one or both validation stickers are lost, stolen, or destroyed, any sticker remnants and the certificate of registration should be returned to the department along with a three dollar ($3.00) fee and an application for a duplicate certificate of registration and validation stickers.

(10) A person engaged in the manufacture or sale of vessels of a

type otherwise required to be numbered by law, may obtain pursuant to regulations duly promulgated by the department, certificates of registration for use in the testing or demonstration only of a vessel upon payment of thirteen dollars ($13.00) for each certificate. Certificates of registration so issued may be used by the applicant in the testing or demonstration only of vessels by temporary placement of the numbers assigned by the certificates on the vessel tested or demonstrated, and shall be issued and displayed as otherwise prescribed by this chapter or by regulation of the department.

(11) The registration fees shall be:

(a) Vessels 0-12 feet in length $7.00
Vessels over 12 feet in length 7.00
plus $2.00 per foot for each additional foot in excess of 12 feet.

(b) The registration fees for new or used vessels which have not previously been registered in Idaho shall be:

(i) For vessels acquired or brought into the state January 1, through March 31, the full amount of the regular fees;

(ii) For vessels acquired or brought into the state April 1 through June 30, seventy-five percent (75%) of the regular fees;

(iii) For vessels acquired or brought into the state July 1 through September 30, fifty percent (50%) of the regular fees;

(iv) For vessels acquired or brought into the state after September 30, twenty-five percent (25%) of the regular fees.

(c) Each assessor and authorized vendor shall presume that any vessel is subject to the regular certificate of registration fees, unless the applicant can successfully show reasonable proof that the vessel has not previously been registered in Idaho.

(12) The provisions of subsection (11) of this section, with respect to the amount of payment of registration fees shall not apply to vessels owned by any charitable or religious organization, scout organization or any similar organization not used and operated for profit. All vessels currently registered by the state of Idaho and having paid the fees imposed by subsection (11) of this section shall not be assessed and taxed as personal property in the state of Idaho.

(13) The registration fee for vessels owned by any charitable or religious organization, scout organization or similar organization not used and operated for profit shall be two dollars ($2.00) per year.

67-7009. EXEMPTION FROM NUMBERING PROVISIONS. A vessel shall not be required to be numbered under this chapter if it is:

(1) Already covered by a number in full force and effect which has been issued to it pursuant to federal law or a federally approved numbering system of another state, provided that such vessel shall not have been within this state for a period in excess of sixty (60) consecutive days.

(2) A vessel from a country other than the United States using the waters of this state for a period of less than sixty-one (61) consecutive days.

(3) A vessel which is owned by the United States, another state

or a political subdivision thereof.

(4) A vessel's lifeboat.

(5) A vessel belonging to a class of vessels which has been exempted from numbering by the department after it has found that the numbering of vessels of such class will not materially aid in their identification and has further found that the vessel would also be exempt from numbering if it were subject to federal law.

67-7010. OPERATION OF UNNUMBERED VESSELS. (1) It shall be unlawful for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless it shall have a current certificate of registration and display a registration number and current validation stickers as provided by law.

67-7011. USE PERMIT -- EXPIRATION -- FEES -- COLLECTION EXEMPTION. (1) It shall be unlawful for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless the vessel shall have and display a valid use permit.

(2) Every owner of a vessel without a valid Idaho certificate of registration shall apply for and obtain from the assessor or authorized vendor either a temporary use permit or an annual use permit, which use permit shall cover the vessel described in the application. A temporary use permit shall be valid for the maximum period of fifteen (15) consecutive days. An annual use permit shall be valid through December 31 of the year of issue.

(3) Application for a use permit shall be made to an assessor or authorized vendor by the owner upon an appropriate form provided by the department. Every application shall be signed by the owner and contain his residence address and a brief description of the vessel to be issued a permit, including the engine and serial numbers, horsepower, length, age, the last permit or sticker number, if any, and the location at which any previous permit or sticker number was issued, and in the case of the issuance of a use permit to a new vessel, the date of sale by which the manufacturer or dealer transferred the vessel to the person first operating it. The application may contain other information as may be required by the department.

(4) Upon receipt of the application in approved form and the appropriate fee, the assessor or authorized vendor shall enter it upon the records of its office and issue to the applicant a use permit sticker and a use permit stating the receipt of any fee paid, the name and address of the owner and the registration or other identifying number of the vessel, and the assessor or authorized vendor shall forward to the department a duplicate copy. The use permit sticker, which shall denote the dates it is valid, shall be affixed to the transom of the vessel and be clearly visible above the waterline on the port side, or in the case of a vessel not having a transom, on the port quarter at the stern. The use permit shall be pocket-size and shall be on board and available at all times for inspection on the vessel for which issued whenever the vessel is in operation.

(5) Each assessor and authorized vendor shall record, on a form provided by the department, the names of all owners of vessels who make application for use permits, together with the amount of the fees

paid by the owners. He shall, on or before the tenth of each month, forward to the department a duplicate copy of the record for the preceding month.

(6) All records of the department made or kept pursuant to this section shall be kept current and shall be public records.

(7) If any use permit becomes lost, mutilated, or illegible, the owner of the vessel on which the permit was issued shall obtain a duplicate of the permit from the department upon application and the payment of a fee of three dollars ($3.00). If a use permit sticker is lost, stolen, or destroyed, any sticker remnants and the use permit should be returned to the department along with a three dollar ($3.00) fee and an application for a duplicate use permit and use permit sticker.

(8) The use permit fees shall be:

(a) Temporary use permits

(1) All vessels $1.00/day, with minimum charge of $4.00

(b) Annual use permits

(1) Vessels 0-12 feet in length $5.00

(2) Vessels over 12 feet in length $5.00 plus $2.00 per foot for each additional foot in excess of 12 feet.

(9) The provisions of this section shall not apply to vessels owned by any charitable or religious organization, scout organization, or any similar organization not used and operated for profit, or a vessel belonging to a class of vessels which has been exempted from the payment of use permits by the department. All vessels having obtained a current use permit and having paid the fees imposed by subsection (8) of this section shall not be assessed and taxed as personal property in the state of Idaho.

67-7012. ADVISORY COMMITTEE. The county commissioners of any county may appoint a waterways committee to serve without salary or wage in an advisory capacity relating to maintenance and improvement of waterways and expenditure of moneys deposited in the county vessel account. Members of this committee shall hold office at the pleasure of the board of county commissioners.

67-7013. REMITTANCE OF FEES. (1) There is established in the dedicated fund of the state treasury an account known as the "State Vessel Account," to which shall be credited:

(a) Moneys or fees collected by assessors and authorized vendors, under the provisions of this section and sections 67-7008 and 67-7011, Idaho Code; and

(b) All other moneys as may be provided by law.

(2) All fees collected by an assessor or authorized vendor under the provisions of sections 67-7008 and 67-7011, Idaho Code, shall be forwarded to the state treasurer not later than the fifteenth day of the month following the calendar month in which the fees were collected, and the state treasurer shall then pay the moneys collected into the state vessel account and the park and recreation account, as provided in subsection (3) of this section, unless otherwise provided

by law.

(3) Moneys collected shall be deposited eighty-five percent (85%) to the state vessel account, and fifteen percent (15%) to the park and recreation account established in section 67-4225, Idaho Code. The department shall remit the moneys apportioned to county units of government from the state vessel account not later than January 25, April 25, July 25 and October 25 of each year.

(4) All moneys deposited to the park and recreation account are to be appropriated for the purpose of defraying the expenses, debts and costs incurred in carrying out the powers and duties of the department as provided in this chapter, and for defraying administrative expenses of the department, including salaries and wages of employees of the department, expenses for traveling, supplies, equipment and other necessary expenses of the department as they relate to administration of this chapter. All claims against moneys apportioned to the park and recreation account shall be expended by the department and certified to the state auditor, who shall, upon approval of the board of examiners, draw his warrant against the park and recreation account for all bills and claims allowed by the board. Should the related administrative costs of the department amount to less than the moneys apportioned to the park and recreation account for such purposes, the difference shall be remitted to the state vessel account and then apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior fiscal year by a county bears to the total amounts received during that prior fiscal year by all eligible counties.

(5) All moneys deposited to the state vessel account and appropriated to the department, shall be apportioned among the counties of the state based on the designations which the owners make on their application for a certificate of registration or use permit.

(a) An owner, when purchasing a certificate of registration or use permit, will be allowed to designate, on the appropriate form, a primary and secondary eligible county where his boating activity occurs. The portion of his fees which are appropriated from the state vessel account shall be apportioned to the designated counties, with seventy percent (70%) of those fees apportioned to the primary designated county and thirty percent (30%) apportioned to the secondary designated county.

(b) Should an owner designate on the appropriate form only one (1) eligible county where his boating activity occurs, the full portion of his fees which are appropriated from the state vessel account shall be apportioned to the designated county.

(c) Should an owner fail to designate on the appropriate form any eligible county where his boating activity occurs, the full portion of his fees which are appropriated from the state vessel account shall be apportioned to all counties with a boating improvement program so that the amount apportioned to each eligible county will be in the same ratio as the county's amount of funds received from the state vessel account during the prior three (3) month payment period bears to the total amounts received

during that prior three (3) month payment period by all eligible counties.

(6) Only those counties in the state with a boating improvement program, as recognized by the department, shall be eligible to receive moneys from the state vessel account. A "boating improvement program" means that one or more recognized boating facilities are being developed and/or maintained within the county's jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program.

(7) Moneys apportioned to the eligible counties shall be placed in and credited to an account which shall be known and designated as the county vessel fund, which shall be used and expended by the board of county commissioners for the exclusive purpose of maintaining and improving the public waters of this state for recreational boating purposes and for law enforcement activities related to the enforcement of the provisions of law. The board of county commissioners is also authorized to use and expend funds from the county vessel fund outside the county when the board deems it advisable and for the public good.

67-7014. ADMINISTRATIVE FEES FOR VESSELS. (1) An administrative fee of not more than one dollar and fifty cents ($1.50) may be collected in addition to each vessel license tax or fee amount collected under the provisions of sections 67-7008 and 67-7011, Idaho Code.

(2) When an assessor collects the fees, the administrative fee shall be paid to the county treasurer where the vessel is licensed and be placed in the county current expense fund for the purpose of defraying related administrative costs. The amount of the administrative fee to be collected by an assessor for each vessel shall be set by the respective boards of county commissioners conditioned on the annual budget request of their county assessor for the administration of vessel registration and use fees.

(3) When an authorized vendor collects the fees, the administrative fee shall be set and retained by the authorized vendor where the vessel is registered. The administrative fee shall be used to defray related administrative costs.

67-7015. SAFETY EQUIPMENT -- ADDITIONAL REGULATIONS. (1) The department is hereby authorized to promulgate rules and regulations establishing equipment requirements for any vessel subject to the provisions of law. Regulations shall be, wherever possible, in conformity with the provisions of the federal navigation laws or with navigation rules and regulations promulgated by the United States Coast Guard and shall be modified from time to time to maintain that conformity.

(2) It shall be unlawful for any person to operate or permit the operation of any vessel on the waters of the state of Idaho unless the vessel shall have on board or installed the equipment required by rules and regulations promulgated by the department.

67-7016. GROSSLY NEGLIGENT OPERATION. It shall be unlawful for any person to operate any vessel on the waters of the state of Idaho in such a manner as to endanger the life or limb, or damage the prop-

erty of any person, and whosoever shall do so is guilty of the crime of grossly negligent operation and shall be punished as hereinafter provided.

67-7017. NEGLIGENT OPERATION. It shall be unlawful for any person to operate any vessel on the waters of the state of Idaho in a careless or heedless manner so as to be indifferent to any person or property of other persons, or at a rate of speed greater than will permit him in the exercise of reasonable care to bring the vessel to a stop within the assured clear distance ahead, and whosoever shall do so is guilty of the crime of negligent operation and shall be punished as hereinafter provided.

67-7018. UNLICENSED COMMERCIAL VESSELS. It shall be unlawful for any person to operate, or to permit the operation of any commercial vessel on the waters of the state of Idaho unless the same is currently inspected and licensed as set forth in Title 46, United States Code, sections 362, 375, 390-392, 399, 404, 416, 435 and 451, as revised.

67-7019. SPEED. It shall be unlawful for any person to operate a vessel on the waters of the state of Idaho at a speed or under conditions that cause any damage to or affects the safety of other vessels, docks, shoreline installations or any other property or person.

67-7020. INCAPACITY OF OPERATOR. It shall be unlawful for the owner of any vessel or any person having such in charge or in his control to authorize or knowingly permit the same to be operated on the waters of the state of Idaho by any person who by reason of age, physical or mental disability is incapable of operating a vessel under the prevailing circumstances.

67-7021. DIVERS' WARNING. It shall be unlawful for any person to operate or permit the operation of any vessel on the waters of the state of Idaho within one hundred (100) feet of the display of any recognized "diver down" flag or of the international code flag A or Alpha and all vessels approaching such a flag shall do so at reduced speed.

67-7022. OVERLOADING. It shall be unlawful for any person to operate any vessel loaded with passengers or cargo beyond its safe carrying capacity taking into consideration weather and other existing operating conditions.

67-7023. OVERPOWERING. It shall be unlawful for any person to operate any vessel with any motor or other propulsion machinery beyond its safe power capacity taking into consideration the type and construction of the vessel and other existing operating conditions.

67-7024. WATER SKIING. (1) It shall be unlawful for the operator of any vessel having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance to operate or propel the same

upon or above any waters of the state of Idaho unless that vessel shall be occupied by at least one (1) other competent person who shall act as an observer. This section shall not apply to vessels used by representatives of duly constituted water ski schools in the giving of instruction, or to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(2) No vessel shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one (1) hour after sunset to one (1) hour prior to sunrise. This subsection shall not apply to vessels used in duly authorized water ski tournaments, competitions, expositions or trials.

(3) All vessels having in tow or otherwise assisting a person on water skis, aquaplane or similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person or create excessive wake.

(4) No person shall operate or manipulate any vessel's attached towrope or other device by which the direction or location of water skis, aquaplane or similar device may be affected or controlled in such a way as to cause the same or any person thereon to collide with or strike against any person or object other than a jumping ramp or in conjunction with skiing over a slalom course.

67-7025. INTERFERENCE WITH NAVIGATION. It shall be unlawful for any person to operate any vessel on the water of this state in a manner that shall unreasonably or unnecessarily interfere with other vessels or with free and proper navigation on the waterways of the state. Violation of the rules of the road shall constitute interference.

67-7026. RESTRICTED AREAS. It shall be unlawful for any person to operate a vessel on the water of this state in any area which has been clearly marked in accordance with, and as authorized by the laws of this state, by buoys or some other distinguishing device as a bathing, swimming or other restricted area. This section shall not apply in the case of an emergency or to patrol or rescue vessels.

67-7027. COLLISIONS, ACCIDENTS AND CASUALTIES -- REPORTS. (1) It shall be unlawful for the operator of any vessel on the water of this state to fail to report any accident or casualty occasioned by the operation of a vessel and as herein provided.

(2) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty, so far as he can do so without serious danger to his own vessel, crew, passengers and guests, to render aid to other persons affected by the collision, accident or other casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(3) It shall be the duty of the operator of any vessel involved in a collision, accident or other casualty resulting in death or injury to a person or damage to property in excess of two hundred dollars ($200), to file with the sheriff of the county in which the

accident occurred, a boating accident report within forty-eight (48) hours of the occurrence if a person dies within twenty-four (24) hours of the occurrence, or in the case of an incapacitating injury or if a person disappears from the vessel. A report shall be filed within ten (10) days of the occurrence or death if an earlier report is not required by this paragraph. The report shall be made on forms provided by the department, but shall not be referred to in any way as evidence in any judicial proceeding. A copy of such report shall also be readily transmitted by the sheriff to the designated state boating safety coordinator.

(4) If the operator of the vessel involved in a collision, accident, or other casualty is incapacitated, the investigating law enforcement officer shall file the required form as prescribed by the director.

67-7028. ENFORCEMENT. Insofar as is possible, the sheriffs and deputy sheriffs of the respective counties shall be primarily responsible for the enforcement of this chapter and in the exercise of their authority may stop and board any vessel subject to law.

67-7029. AGENTS OF THE DEPARTMENT. (1) The assessors of various counties of the state shall be agents of the department and shall perform such duties as are prescribed by law.

(2) The department may authorize any person to act as agent for the issuance of certificates of registration and use permits. In the event a person accepts such authorization, he shall be assigned a block of numbers and certificates, which upon issuance in conformity with law and with any rules and regulations of the department shall be valid as if issued directly by an assessor.

67-7030. REGATTAS, RACES, MARINE EVENTS, TOURNAMENTS AND EXHIBITIONS. (1) The sheriff in each county may authorize the holding of regattas, marine events, races, tournaments or exhibitions on any waters of this state located within the county. The department may adopt rules and regulations concerning the safety of vessels and persons.

(2) Whenever a regatta, race, tournament, marine event or exhibition is proposed to be held, the person in charge shall, at least thirty (30) days prior thereto, file an application for permission to hold an event with the sheriff in the county of the proposed event, and a copy of the application shall be readily transmitted by the sheriff to the designated state boating safety coordinator.

(3) The application shall set forth the date, time and location where the event is proposed to be held, together with the following information:

(a) The name and address of the sponsoring organization.

(b) The name, address and telephone number of the person or persons in charge of the event.

(c) The nature and purpose of the event.

(d) Information as to general public interest.

(e) Estimated number and type of vessels participating in the event.

(f) Estimated number and types of spectator vessels.

(g) Number of vessels being furnished by sponsoring organizations to patrol the event.

(h) A time schedule and description of events.

(i) A section of a chart or scale drawing showing the boundaries of the event, various watercourses or areas to be used by the participants, officials and spectator vessels.

(4) The provisions of this section shall not be exclusive with respect to waters of this state over which jurisdiction is shared with the United States and shall not exempt any person from compliance with applicable federal law or regulation.

(5) Competitors in any race, regatta or trial or other marine event authorized by a sheriff shall be exempt from the provisions of law with regard to speed while on an authorized racing course and from provisions of this chapter concerning equipment, noise and numbering. These exemptions are exclusive and shall apply only while an operator of a vessel is engaged in an authorized race, regatta or trial.

(6) It shall be unlawful for any person to conduct any regatta, marine event, race, tournament or exhibition on the waters of the state of Idaho unless he shall have had a marine event permit issued to him as provided by law.

67-7031. MARKING OF WATER AREAS -- PROCEDURES -- LOCAL RULES. (1) The department may make or adopt appropriate rules and regulations for the marking of the water areas in this state through the placement of aids to navigation and regulatory markers. Such rules shall establish a marking system of aids to navigation prescribed by the United States Coast Guard and shall give due regard to the system of uniform waterway markers approved by the advisory panel of state officials to the merchant marine council of the United States Coast Guard. No city, county, other political subdivision or other person shall mark the waters of this state in any manner in conflict with the marking system prescribed by the department or without the specific authority of the department.

(2) The provisions of this chapter shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state or when any activity regulated by this chapter shall take place thereon. Nothing in this chapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, so long as such ordinances are not in conflict with the provisions of law.

(3) Any political subdivision of the state of Idaho may at any time, but only after sufficient public notice is given, adopt local ordinances with reference to the operation of vessels on any waters within its territorial limits or with reference to swimming within areas of intense or hazardous vessel traffic, provided the ordinances are intended to promote or protect the health, safety and general welfare of its citizenry.

67-7032. OWNER'S RESPONSIBILITY -- PRESUMPTION OF CONSENT. (1) The owner of the vessel shall be liable for any injury or damage occa-

sioned by the negligent operation of it, whether the negligence consists of a violation of the provisions of law, or in the failure to observe ordinary care in the operation as the rules of the road require. It shall be presumed a vessel is being operated with the knowledge and consent of the owner if, at the time of the injury or damage, it is under the control of the owner's spouse, father, mother, brother, sister, son, or daughter, or other immediate member of the family. The owner shall not otherwise be liable, however, unless the vessel is being used with his consent, either expressed or implied.

(2) Nothing contained herein shall be construed to relieve any other person from any liability which he would have otherwise had, but nothing contained herein shall be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

(3) Nothing contained herein shall deprive the owner of any vessel of any of the rights, limitations or exemptions from liability afforded such owner under any federal statutes.

67-7033. PENALTIES. (1) Any person who shall violate any of the provisions of this chapter or any rule or regulation promulgated by the department pursuant to this chapter shall be guilty of a misdemeanor and be punished by a fine of not more than three hundred dollars ($300) or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

(2) Any person who shall be convicted of any second or subsequent violation of any of the provisions of law in addition to any other penalties authorized herein may, at the discretion of the court, be refused the privilege of operating any vessel on any of the waters of this state for a period not to exceed two (2) years.

(3) Any person who shall operate any vessel during the period when he has been denied the privilege to so operate by virtue of subsection (2) of this section, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than three hundred dollars ($300), or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

(4) Any manufacturer who shall violate the provisions of this chapter with respect to the obligation for the installation of capacity of certification plates shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300) or by imprisonment of not more than thirty (30) days, or both such fine and imprisonment and each failure to affix a capacity or certification plate as provided in this chapter shall constitute a separate offense for each vessel with respect to which the failure occurs.

SECTION 3. That Section 63-105P, Idaho Code, be, and the same is hereby amended to read as follows:

63-105P. PROPERTY EXEMPT FROM TAXATION -- MOTOR VEHICLES PROPERLY REGISTERED. The following property is exempt from taxation: Motor vehicles properly registered and for which the required fee has been paid under the provisions of the laws of the state of Idaho, recreational vehicles for which the fees imposed by chapter 28, title 49,

Idaho Code, have been paid and vessels for which the ~~use~~ certificate of registration fees or use permit fees imposed by sections ~~49-3210~~ 67-7008(11) and 67-7011(8), Idaho Code, have been paid.

SECTION 4. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 5. This act shall be in full force and effect on and after January 1, 1987.

Approved April 3, 1986.

CHAPTER 208
(H.B. No. 575, As Amended)

AN ACT

RELATING TO FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER; AMENDING SECTION 49-330, IDAHO CODE, TO ADD FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER TO THE AUTHORITY TO SUSPEND OR REVOKE A LICENSE, AND TO PROVIDE REFERENCES; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1102, IDAHO CODE, TO PROVIDE A PENALTY FOR WILFULLY FLEEING OR ELUDING A POLICE OFFICER AND TO PROVIDE CERTAIN REQUIREMENTS TO BE ADHERED TO BY A POLICE OFFICER; AND AMENDING SECTION 49-1109, IDAHO CODE, TO ADD FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER TO AUTHORITY FOR ARRESTS FOR SERIOUS OFFENSES.

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

SECTION 1. 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. (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 a 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;
(A) 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.

(B) 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.

(C) 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 reckless driving as provided in section 49-1103, Idaho Code, or fleeing or attempting to elude a police officer as provided in section 49-1103~~2~~, 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;

7. Has a driving record which shows a violation point count of twelve (12) or more points in any consecutive twelve (12) month period; or

8. 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. 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.

(e) A court of competent jurisdiction shall have exclusive authority to suspend or revoke driving privileges upon failure or refusal of an individual to submit to an evidentiary test for alcohol, drugs or any other intoxicating substances as provided by section 18-8002, Idaho Code.

(f) Whenever a license, permit or driving privilege has been suspended by the department as provided in this section, other than as set forth in subsections (a)3 and (a)4, the department may issue a temporary restricted permit restricting the time, area and purpose of use. Application, eligibility requirements and form of the temporary restricted permit shall be provided by rule of the department.

SECTION 2. 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. FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER -- PENALTY. (1) Any driver of a motor vehicle who wilfully flees or attempts to elude a pursuing police vehicle when given a visual or audible sig-

nal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by a peace officer may be by emergency lights or siren.

(2) A person convicted of a violation of the provisions of this section shall be punished by imprisonment in the county or municipal jail for a period of not less than five (5) days nor more than ninety (90) days, or by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300), or by both fine and imprisonment. On a second or subsequent conviction that person shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300), or by both fine and imprisonment. The department shall suspend the license of a person convicted for a violation of the provisions of this section as provided in section 49-330, Idaho Code.

SECTION 3. That Section 49-1109, Idaho Code, be, and the same is hereby amended to read as follows:

49-1109. ARRESTS FOR SERIOUS OFFENSES. (a) The authority to make an arrest is the same as upon an arrest for a felony when any person is charged with any of the following offenses:

1. Negligent homicide.
2. Driving, or being in actual physical control, of a vehicle while under the influence of intoxicating liquor.
3. Driving a vehicle while under the influence of any narcotic drug, or driving a vehicle while under the influence of any other drug to a degree which renders the person incapable of safely driving a vehicle.
4. Failure to stop, or failure to give information, or failure to render reasonable assistance, in the event of an accident resulting in death or personal injuries.
5. Failure to stop, or failure to give information, in the event of an accident resulting in damage to a vehicle or to fixtures or other property legally upon or adjacent to a highway.
6. Reckless driving.
7. Fleeing or attempting to elude a police officer.

(b) Whenever any person is arrested as authorized in this section, he shall be taken without unnecessary delay before the proper magistrate as specified in section 49-1115, Idaho Code, except that in the case of ~~either of~~ the offenses designated in paragraphs 5, ~~and~~ 6 and 7, a police officer shall have the same discretion as is provided in other cases in section 49-1111, Idaho Code.

Approved April 3, 1986.

CHAPTER 209
(H.B. No. 578)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO INCLUDE ADDITIONAL SUBSTANCES; AMENDING SECTION 37-2707,

IDAHO CODE, TO EXCLUDE CERTAIN CONTROLLED SUBSTANCES; AMENDING SECTION 37-2711, IDAHO CODE, TO INCLUDE ADDITIONAL SUBSTANCES; AND AMENDING SECTION 37-2713, IDAHO CODE, TO INCLUDE AN ADDITIONAL NARCOTIC DRUG.

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

SECTION 1. That Section 37-2705, Idaho Code, be, and the same is hereby amended to read as follows:

37-2705. SCHEDULE I. (a) The controlled substances listed in this section are included in schedule I.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetylmethadol;
(2) Alfentanil;
(3) Allylprodine;
(4) Alphacetylmethadol;
(5) Alphameprodine;
(6) Alphamethadol;
(7) Alphamethylfentanyl;
(8) Benzethidine;
(9) Betacetylmethadol;
(10) Betameprodine;
(11) Betamethadol;
(12) Betaprodine;
(13) Clonitazene;
(14) Dextromoramide;
(15) Diampromide;
(16) Diethylthiambutene;
(17) Difenoxin;
(18) Dimenoxadol;
(19) Dimepheptanol;
(20) Dimethylthiambutene;
(21) Dioxaphetyl butyrate;
(22) Dipipanone;
(23) Ethylmethylthiambutene;
(24) Etonitazene;
(25) Etoxeridine;
(26) Furethidine;
(27) Hydroxypethidine;
(28) Ketobemidone;
(29) Levomoramide;
(30) Levophenacylmorphan;
(31) Morpheridine;
(32) Noracymethadol;
(33) Norlevorphanol;
(34) Normethadone;
(35) Norpipanone;

(36) Phenadoxone;
(37) Phenampromide;
(38) Phenomorphan;
(39) Phenoperidine;
(40) Piritramide;
(41) Proheptazine;
(42) Properidine;
(43) Propiram;
(44) Racemoramide;
(45) Tilidine;
(46) Trimeperidine.

(c) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;
(2) Acetyldihydrocodeine;
(3) Benzylmorphine;
(4) Codeine methylbromide;
(5) Codeine-N-Oxide;
(6) Cyprenorphine;
(7) Desomorphine;
(8) Dihydromorphine;
(9) Drotebanol;
(10) Etorphine (except hydrochloride salt);
(11) Heroin;
(12) Hydromorphinol;
(13) Methyldesorphine;
(14) Methyldihydromorphine;
(15) Morphine methylbromide;
(16) Morphine methylsulfonate;
(17) Morphine-N-Oxide;
(18) Myrophine;
(19) Nicocodeine;
(20) Nicomorphine;
(21) Normorphine;
(22) Pholcodine;
(23) Thebacon.

(d) Hallucinogenic substances. Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this paragraph only, the term "isomer" includes the optical, position and geometric isomers):

(1) 4-bromo-2,5-dimethoxy amphetamine;
(2) 2,5-dimethoxyamphetamine;
(3) 4-methoxyamphetamine;
(4) 5-methoxy-3,4-methylenedioxy-amphetamine;
(5) 4-methyl-2,5-dimethoxy-amphetamine;
(6) 3,4-methylenedioxy amphetamine;
(7) 3,4,5-trimethoxy amphetamine;

(8) Bufotenine;
(9) Diethyltryptamine;
(10) Dimethyltryptamine;
(11) Ibogaine;
(12) Lysergic acid diethylamide;
(13) Marihuana;
(14) Mescaline;
(15) Parahexyl;
(16) Peyote;
(17) N-ethyl-3-piperidyl benzilate;
(18) N-methyl -3- piperidyl benzilate;
(19) Psilocybin;
(20) Psilocyn;
(21) Tetrahydrocannabinols. ~~(THC;~~ Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity~~)~~ such as the following;

cis or trans tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration.

cis or trans tetrahydrocannabinol, and their optical isomers.

cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered.)

(22) Thiophene analog of phencyclidine (1-(1-(2-thienyl)cyclohexyl) piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;
(23) Ethylamine analog of phencyclidine (N-ethyl -1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
(24) Pyrrolidine analog of phencyclidine: 1-(phenylcyclohexyl) -pyrrolidine, PCPy, PHP.

(e) Any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers wherever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:
(1) Mecloqualone;
(2) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:
(1) Fenethylline;
(2) N-ethylamphetamine.

(g) Temporary listing of substances subject to emergency scheduling. Any material, compound, mixture or preparation which contains

any quantity of the following substances:

(1) 3-Methylfentanyl (N-(3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phelylpropanamide), its optical and geometric isomers, salts and salts of isomers.

(2) 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers.

(3) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP), its optical isomers, salts and salts of isomers.

(4) 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (PEPAP), its optical isomers, salts and salts of isomers.

(5) N-(1-(1-methyl-2-phenyl)ethyl-4-piperidyl)-N-phenylacetamide (acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers.

(6) N-(1-(1-methyl-2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamid (alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers.

(7) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical isomers, salts and salts of isomers.

(8) N-(1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl)-N-phenylpropanamide (beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers.

(9) 3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers.

(10) N-(3-methyl-1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanami (3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers.

(11) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl), its optical isomers, salts and salts of isomers.

(12) N-(1-(2-(2-thienyl)ethyl-4-piperidyl)-N-phenylpropanamide (thiofentanyl), its optical isomers, salts and salts of isomers.

SECTION 2. That Section 37-2707, Idaho Code, be, and the same is hereby amended to read as follows:

37-2707. SCHEDULE II. (a) Schedule II shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Substances, vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, nalbuphine, nalmefene, naloxone and its salts, and naltrexone and ~~its~~ their respective salts, but including the following:

1. Raw opium;
2. Opium extracts;
3. Opium fluid extracts;
4. Powdered opium;
5. Granulated opium;

6. Tincture of opium;
7. Codeine;
8. Ethylmorphine;
9. Etorphine hydrochloride;
10. Hydrocodone;
11. Hydromorphone;
12. Metopon;
13. Morphine;
14. Oxycodone;
15. Oxymorphone;
16. Thebaine.

(2) Any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b) (1) of this section, except that these substances shall not include the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Methylbenzoylecgonine (Cocaine - its salts, optical isomers, and salts of optical isomers).

(6) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrine alkaloids of the opium poppy).

(c) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation, unless specifically excepted or unless listed in another schedule:

(1) Alphaprodine;
(2) Anileridine;
(3) Bezitramide;
(4) Bulk Dextropropoxyphene (nondosage forms);
(5) Dihydrocodeine;
(6) Diphenoxylate;
(7) Fentanyl;
(8) Isomethadone;
(9) Levomethorphan;
(10) Levorphanol;
(11) Metazocine;
(12) Methadone;
(13) Methadone -- Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
(14) Moramide - Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl propane-carboxylic acid;
(15) Pethidine (meperidine);
(16) Pethidine--Intermediate--A, 4-cyano-1-methyl-4-phenylpiperidine;
(17) Pethidine--Intermediate--B, ethyl-4-phenylpiperidine-4-

carboxylate;

(18) Pethidine--Intermediate--C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(19) Phenazocine;

(20) Piminodine;

(21) Racemethorphan;

(22) Racemorphan;

(23) Sufentanil.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Methamphetamine, its salts, isomers, and salts of its isomers;

(3) Phenmetrazine and its salts;

(4) Methylphenidate.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Amobarbital;

(2) Pentobarbital;

(3) Phencyclidine;

(4) Secobarbital.

(f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(a) Phenylacetone;

(2) Immediate precursors to phencyclidine (PCP):

(a) 1-phenylcyclohexylamine;

(b) 1-piperidinocyclohexanecarbonitrile (PCC).

SECTION 3. That Section 37-2711, Idaho Code, be, and the same is hereby amended to read as follows:

37-2711. SCHEDULE IV. (a) Schedule IV shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) No more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,

2-diphenyl-3-methyl-2-propionoxybutane).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Alprazolam;
(2) Barbital;
(3) Bromazepam;
(4) Camazepam;
(~~3~~5) Chloral betaine;
(~~4~~6) Chloral hydrate;
(~~5~~7) Chlordiazepoxide;
(8) Clobazam;
(~~6~~9) Clonazepam;
(~~7~~10) Clorazepate;
(11) Clotiazepam;
(12) Cloxazolam;
(13) Delorazepam;
(~~8~~14) Diazepam;
(15) Estazolam;
(~~9~~16) Ethchlorvynol;
(~~10~~17) Ethinamate;
(18) Ethyl loflazepate;
(19) Fludiazepam;
(20) Flunitrazepam;
(~~21~~1) Flurazepam;
(~~1~~22) Halazepam;
(23) Haloxazolam;
(24) Ketazolam;
(25) Loprazolam;
(~~1~~326) Lorazepam;
(27) Lormetazepam;
(~~14~~28) Mebutamate;
(29) Medazepam;
(~~15~~30) Meprobamate;
(316) Methohexital;
(~~17~~32) Methylphenobarbital (mephobarbital);
(33) Nimetazepam;
(34) Nitrazepam;
(35) Nordiazepam;
(~~18~~36) Oxazepam;
(37) Oxazolam;
(~~19~~38) Paraldehyde;
(~~20~~39) Petrichloral;
(~~21~~40) Phenobarbital;
(41) Pinazepam;
(~~42~~2) Prazepam;
(~~4~~23) Temazepam;
(~~4~~4) Tetrazepam;
(~~2~~45) Triazolam.

(d) Fenfluramine - Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Diethylpropion;

(2) Mazindol;

(3) Pemoline (including organometallic complexes and chelates thereof);

(~~2~~4) Phentermine;

(~~4~~5) Pipradrol;

(~~5~~6) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(f) Other substances. Unless specifically excepted, or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

(1) Pentazocine.

(g) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (c) of this section from the application of all or any part of this act if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 4. That Section 37-2713, Idaho Code, be, and the same is hereby amended to read as follows:

37-2713. SCHEDULE V. (a) Schedule V shall consist of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, listed in this section.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs and their salts, as set forth below:

(1) Buprenorphine.

(c) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following limited quantities of narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by

the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) Not more than 0.5 milligrams difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

Approved April 3, 1986.

CHAPTER 210
(H.B. No. 586, As Amended in the Senate)

AN ACT

RELATING TO INSPECTION OF PUBLIC RECORDS; AMENDING CHAPTER 3, TITLE 9, BY THE ADDITION OF A NEW SECTION 9-335, IDAHO CODE, TO PROVIDE THAT CERTAIN LAW ENFORCEMENT AGENCY RECORDS SHALL BE CONFIDENTIAL AND EXEMPT FROM DISCLOSURE, AND TO PROVIDE PROCEDURES FOR DISCLOSURE OF INVESTIGATIVE RECORDS; DECLARING AN EMERGENCY AND PROVIDING A SUNSET CLAUSE.

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

SECTION 1. That Chapter 3, Title 9, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 9-335, Idaho Code, and to read as follows:

9-335. EXEMPTIONS FROM DISCLOSURE -- CONFIDENTIALITY. (1) Notwithstanding any statute or rule of court to the contrary, nothing in this chapter nor chapter 10, title 59, Idaho Code, shall be construed to require disclosure of investigatory records compiled for law enforcement purposes by a law enforcement agency, but such exemption from disclosure applies only to the extent that the production of such records would:

(a) Interfere with enforcement proceedings;

(b) Deprive a person of a right to a fair trial or an impartial adjudication;

(c) Constitute an unwarranted invasion of personal privacy;

(d) Disclose the identity of a confidential source and, in the case of a record compiled by a criminal law enforcement agency in the course of a criminal investigation, confidential information furnished only by the confidential source;

(e) Disclose investigative techniques and procedures; or

(f) Endanger the life or physical safety of law enforcement personnel.

(2) An inactive investigatory record shall be disclosed unless the disclosure would violate the provisions of subsection (1)(a) through (f) of this section. Investigatory record as used herein means information with respect to an identifiable person or group of persons compiled by a law enforcement agency in the course of conducting an investigation of a specific act or omission and shall not include the following information:

(a) The time, date, location, and nature and description of a reported crime, accident or incident;

(b) The name, sex, age, and address of a person arrested, except as otherwise provided by law;

(c) The time, date, and location of the incident and of the arrest;

(d) The crime charged;

(e) Documents given or required by law to be given to the person arrested;

(f) Informations and indictments except as otherwise provided by law; and

(g) Criminal history reports.

As used herein, the term "law enforcement agency" means the office of the attorney general, the department of law enforcement, the office of any prosecuting attorney, sheriff or municipal police department.

(3) Whenever it is made to appear by verified petition to the district court of the county where the records or some part thereof are situated that certain investigative records are being improperly withheld from a member of the public, the court shall order the officer or person charged with withholding the records to disclose the investigative record or show cause why he should not do so. The court shall decide the case after examining the record in camera, papers filed by the parties, and such oral argument and additional evidence as the court may allow.

If the court finds that the public official's decision to refuse disclosure is not justified, he shall order the public official to make the record public. If the judge determines that the public official was justified in refusing to make the record public, he shall return the item to the public official without disclosing its content with an order supporting the decision refusing disclosure. Any person who fails to obey the order of the court shall be cited to show cause why he is not in contempt of court. The court may, in its discretion, award costs and fees to the prevailing party.

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 shall be null, void and of no force and effect on and after July 1, 1987.

Approved April 3, 1986.

CHAPTER 211
(H.B. No. 589)

AN ACT

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-218, IDAHO CODE, TO PROVIDE FOR STATEHOOD CENTENNIAL LICENSE PLATES, AND THE FEES FOR AND THE ISSUANCE OF SUCH PLATES; TO PROVIDE AUTHORIZATION FOR THE STATE TREASURER TO ISSUE REVENUE ANTICIPATION NOTES AND THE USES OF MONEYS SO PROVIDED; AND PROVIDING A DATE ON WHICH THE STATEHOOD CENTENNIAL PLATES SHALL BE AVAILABLE FOR ISSUE AND USE.

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

SECTION 1. That Chapter 2, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-218, Idaho Code, and to read as follows:

49-218. STATEHOOD CENTENNIAL LICENSE PLATES. (1) Any person who is the owner of a registered motor vehicle, as defined in section 49-126(1), Idaho Code, may apply for statehood centennial license plates at a county assessor's office. In addition to the regular registration and other fees, the applicant shall be charged a special fee of twenty-five dollars ($25.00) at the time of the initial issuance of such plates, and ten dollars ($10.00) upon each succeeding annual registration of the vehicle, so long as the plates are in use. Revenues from the special fee shall be deposited in the Idaho statehood centennial commission account and shall be treated as a contribution for the funding of statehood centennial activities, and shall not be considered a motor vehicle registration fee as described under article 7, section 17, of the Idaho constitution. All other fees shall be deposited as appropriate.

(2) The statehood centennial license plates shall be of a color and design approved by the Idaho statehood centennial commission, utilizing a numbering system approved by the board. The statehood centennial license plates must be surrendered upon failure to pay the annual special fee and renewal fees.

(3) Any person who applies for statehood centennial license plates, may also apply for personalized numbers and/or letters on those plates, as provided for in section 49-231, Idaho Code.

(4) The fee for replacement plates shall be twenty-five dollars ($25.00) for each pair of centennial plates issued, together with any other fees imposed in this section, with the special centennial plate fee deposited in the Idaho statehood centennial account and other fees deposited as appropriate.

(5) The statehood centennial license plates shall not be issued or reissued for any vehicle after it is registered or reregistered following December 31, 1990, nor shall such plates be displayed on a vehicle after it has been registered or reregistered following December 31, 1990.

(6) The department shall have the authority to adopt such regulations as may be necessary to carry out the provisions of this act.

SECTION 2. The state treasurer is hereby authorized and directed to anticipate the revenues in the Idaho statehood centennial commission account by the issuance of revenue anticipation notes in a means substantially in accordance with the authority conferred by sections 63-3201 through 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitation provided in those sections, in the same manner as though the revenue in the general account were being anticipated. The use of anticipation notes authorized in this section shall be limited to providing funds to pay for any special costs incurred by the state in administering the centennial license plate program and paying for the manufacture of the special plates.

SECTION 3. Statehood centennial license plates authorized in this act shall be available to the public on and after January 2, 1987.

Approved April 3, 1986.

CHAPTER 212
(H.B. No. 591)

AN ACT

RELATING TO DUTIES AND POWERS OF THE ANIMAL DAMAGE CONTROL BOARD; AMENDING SECTION 25-128, IDAHO CODE, TO PROVIDE THAT BOARD MAY PREVENT OR CONTROL DAMAGE CAUSED BY THREATENED OR ENDANGERED WILDLIFE.

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

SECTION 1. That Section 25-128, Idaho Code, be, and the same is hereby amended to read as follows:

25-128. DUTIES AND POWERS OF BOARD. (1) The board of sheep commissioners shall perform all those duties and powers necessary for the supervision of sheep, handling of sheep, shipping, transporting or moving of sheep, regulation of sheep, eradication of all diseases among sheep, the making of all rules and regulations concerning sheep and all other matters pertaining to sheep either in the state of Idaho or which may be brought into or shipped from the state of Idaho.

(2) There is hereby created a state animal damage control board. The chairman of the board of sheep commissioners shall be a voting member and serve as the chairman of the state animal damage control board which shall have such duties and powers relating to the prevention and control of damage caused by predatory animals and other vertebrate pests, <u>including threatened or endangered wildlife,</u> within the state of Idaho as are established by federal or state law, federal or state regulation, or county ordinance. It is hereby made the duty of the state animal damage control board to coordinate and give general direction to programs to prevent and control damage or conflicts

on federal, state, or other public or private lands caused by predatory animals, rodents, or birds injurious to animal husbandry, agriculture, horticulture, forestry, wildlife and human health or safety; and also to facilitate, coordinate or conduct such investigations, experiments or tests as deemed necessary to determine, demonstrate and promulgate the best methods of predatory animals and other vertebrate pest control. In carrying out these duties, the board may cooperate with federal, state, county, city and private agencies, organizations or individuals; provided, however, that the authority of this board is not to supersede the state fish and game department or the responsible federal agency in the utilization of the funds of those two (2) agencies in their conduct of similar work within the state of Idaho, but the board shall cooperate and work with these two (2) agencies. Prevention and control of predatory animals and other vertaebrate pests does not include the payment of compensation for damages.

(3) In addition to the chairman, the state animal damage control board shall consist of a member appointed by the president of the Idaho cattle association, the director of the state department of agriculture, the director of the state department of fish and game, and the chairman of the board of directors of each of the five (5) animal damage control districts.

(4) The state animal damage control board shall have as its primary duties the coordination of the control efforts of the five (5) animal damage control districts; the establishment of general policies for the control programs; the establishment of annual priorities for control efforts; and the assignment or distribution of moneys made available to the board from any source. All contracts or agreements for providing prevention and control services which involve an expenditure of moneys from the state animal damage control board shall be in writing and shall be maintained as a part of the official records of the board.

(5) The state board of sheep commissioners shall provide staff, administrative and fiscal services for the animal damage control board.

Approved April 3, 1986.

CHAPTER 213
(H.B. No. 594, As Amended)

AN ACT

RELATING TO THE VALUE OF RESIDENTIAL PROPERTY IN CERTAIN ZONED AREAS; AMENDING SECTION 63-105D, IDAHO CODE, TO DEFINE "RESIDENTIAL PROPERTY" FOR AD VALOREM TAX PURPOSES.

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

SECTION 1. That Section 63-105D, Idaho Code, be, and the same is hereby amended to read as follows:

63-105D. VALUE OF RESIDENTIAL PROPERTY IN CERTAIN ZONED AREAS.

(1) Residential property located in an area which was previously zoned residential but has been changed to a zone other than residential shall be appraised, assessed and taxed as if such property were in an area zoned residential as long as such property is continuously used by the owner thereof solely for residential purposes.

(2) "Residential property" as used herein is defined as any tract of three (3) acres or less which is used by the owner thereof solely for residential purposes.

Approved April 3, 1986.

CHAPTER 214
(H.B. No. 620)

AN ACT

RELATING TO PUBLIC ENTITIES AND PUBLIC EMPLOYEES' LIABILITY; PROVIDING A LEGISLATIVE DECLARATION OF PURPOSE; AND AMENDING SECTION 6-902, IDAHO CODE, TO FURTHER DEFINE POLITICAL SUBDIVISION BY SPECIFICALLY INCLUDING COUNTY AND JOINT CITY-COUNTY HOSPITALS AND ATTACHED NURSING HOMES AS COVERED AGENCIES OR ENTITIES.

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

SECTION 1. The legislature of the state of Idaho declares that it was the intention of the legislature in the original enactment of the Idaho tort claims act to include within the definition of "political subdivision" agencies and entities, including hospitals and attached nursing homes, whether or not separately incorporated, established by counties and cities to provide for the public health of its citizens. The employees of such facilities, including elected or appointed board members, are entitled to the same protection and subject to the same standards as other employees of governmental entities. The expenditure of public moneys to this end is for a public purpose.

SECTION 2. That Section 6-902, Idaho Code, be, and the same is hereby amended to read as follows:

6-902. DEFINITIONS. As used in this act:

1. "State" means the state of Idaho or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.

2. "Political subdivision" means any county, city, municipal corporation, health district, school district, irrigation district, special improvement or taxing district, or any other political subdivision or public corporation. As used in this act, the terms "county" and "city" also mean state licensed hospitals and attached nursing homes established by counties pursuant to title 31, chapter 36, Idaho Code, or jointly by cities and counties pursuant to title 31, chapter 37, Idaho Code.

3. "Governmental entity" means and includes the state and polit-

ical subdivisions as herein defined.

4. "Employee" means an officer, employee, or servant of a governmental entity, including elected or appointed officials, and persons acting on behalf of the governmental entity in any official capacity, temporarily or permanently in the service of the governmental entity, whether with or without compensation, but the term employee shall not mean a person or other legal entity while acting in the capacity of an independent contractor under contract to the governmental entity to which this act applies in the event of a claim.

5. "Bodily injury" means any bodily injury, sickness, disease or death sustained by any person and caused by an occurrence.

6. "Property damage" means injury or destruction to tangible property caused by an occurrence.

7. "Claim" means any written demand to recover money damages from a governmental entity or its employee which any person is legally entitled to recover under this act as compensation for the negligent or otherwise wrongful act or omission of a governmental entity or its employee when acting within the course or scope of his employment.

Approved April 3, 1986.

CHAPTER 215
(H.B. No. 624, As Amended)

AN ACT

RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT; AMENDING SECTION 67-2901, IDAHO CODE, TO ALLOW A RETIRING OFFICER OF THE DEPARTMENT OF LAW ENFORCEMENT TO KEEP HIS BADGE, SERVICE REVOLVER AND HANDCUFFS; AND AMENDING SECTION 19-4803, IDAHO CODE, TO STRIKE REFERENCE TO CERTAIN DUTIES OF THE SUPERINTENDENT OF STATE POLICE TO PROVIDE A RETIRING STATE POLICE OFFICER WITH HIS BADGE, SERVICE REVOLVER AND HANDCUFFS.

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

SECTION 1. That Section 67-2901, Idaho Code, be, and the same is hereby amended to read as follows:

67-2901. DEPARTMENT CREATED -- DIRECTOR -- DIVISIONS -- POWERS AND DUTIES -- FAILURE OF PEACE OFFICERS TO OBEY ORDERS, MISDEMEANOR -- DEPUTIES -- COMPENSATION AND POWERS. (1) There is hereby created the department of law enforcement. The department shall, for the purposes of section 20, article IV, of the constitution of the state of Idaho, be an executive department of the state government.

(2) The governor, with the advice and consent of the senate, shall appoint a director of the department of law enforcement who shall serve at the pleasure of the governor. The director shall receive such salary as fixed by the governor.

(3) The department of law enforcement shall be composed of such divisions as may be established by law and other administrative units

as may be established by the director for the proper and efficient administration of the powers and duties assigned to the director or the department. The director shall appoint, subject to the approval of the governor, an administrator for each division within the department.

(4) The director shall exercise all of the powers and duties necessary to carry out the proper administration of the department, and may delegate duties to employees and officers of the department.

(5) The department of law enforcement shall have power to enforce all of the penal and regulatory laws of the state, to preserve order, and exercise any and all powers, duties and authority of any sheriff or other peace officer anywhere in the state of Idaho, in the same manner and with like authority as the sheriffs of the counties; said department may employ from time to time, to carry out any of the provisions of this subdivision, such deputies or special deputies as may be deemed, by the governor of the state of Idaho, necessary to carry out these duties and powers, and deputies shall have power to deputize other persons as deputies when necessary; said department may call into the police service of the state any and all peace officers of the state, of any city, or of any county, and may deputize private citizens, when deemed necessary by the governor of the state, to preserve order and enforce law in any extraordinary emergency when the governor shall have declared, by order in writing, the existence of such extraordinary emergency; the governor shall designate by order such peace officers or private persons as are to be called into the service of the state, and when such peace officers or deputized citizens are so called into the police service of the state such officers shall act under the direction of the director of said department in such manner as may be directed and ordered by the governor; failure on the part of any such peace officer of the state, or person so deputized, to so act and obey such orders shall constitute a misdemeanor; the governor shall fix the compensation of such deputies. The jurisdiction of the director of the department of law enforcement and his deputies, both regular and special, and all peace officers or other persons called into the police service of the state by him or his deputies, shall be coextensive with the territory of the state of Idaho and not limited by the lines of any political or municipal subdivisions.

(6) The director shall provide security and protection for the governor and the governor's immediate family to the extent and in the manner the governor and the director deem adequate and appropriate.

(7) The director shall provide security and protection for both houses of the legislature while in session as in the opinion of the speaker of the house and the president of the senate and the director deem necessary.

(8) The director may award to an officer, upon retirement, that officer's badge, service revolver and handcuffs, providing that a committee of three (3) of the officer's peers certifies to the director that the retiring officer has served meritoriously for a minimum of fifteen (15) years and should therefore be so honored.

SECTION 2. 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.

1. ~~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 fifty thousand dollars ($50,000) 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 April 3, 1986.

CHAPTER 216
(H.B. No. 627)

AN ACT

RELATING TO PRODUCTS LIABILITY; AMENDING CHAPTER 14, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-1410, IDAHO CODE, TO PROVIDE CRITERIA WHEN FIREARMS OR AMMUNITION SHALL NOT BE DEEMED DEFECTIVE IN DESIGN IN PRODUCTS LIABILITY ACTIONS, AND TO PROVIDE EXCEPTIONS.

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

SECTION 1. That Chapter 14, Title 6, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 6-1410, Idaho Code, and to read as follows:

6-1410. PRODUCTS LIABILITY -- DEFECTIVENESS OF FIREARMS OR AMMUNITION. (1) In a products liability action, no firearm or ammunition shall be deemed defective in design on the basis that the benefits of the product do not outweigh the risk of injury posed by its potential to cause serious injury, damage, or death when discharged.

(2) For purposes of this section:

(a) The potential of a firearm or ammunition to cause serious injury, damage, or death when discharged does not make the product defective in design.

(b) Injuries or damages resulting from the discharge of a firearm or ammunition are not proximately caused by its potential to cause serious injury, damage, or death, but are proximately caused by the actual discharge of the product.

(3) The provisions of this section shall not affect a products liability cause of action based upon the improper selection of design alternatives.

Approved April 3, 1986.

CHAPTER 217
(H.B. No. 629)

AN ACT

RELATING TO RESIDENCE REQUIREMENTS TO APPROPRIATE WATER FOR POWER PURPOSES; AMENDING SECTION 42-206, IDAHO CODE, TO ALLOW THE ISSUANCE OF A PERMIT TO APPROPRIATE WATER FOR POWER PURPOSES TO PARTNERSHIPS ORGANIZED OR QUALIFIED TO DO BUSINESS IN AND UNDER THE LAWS OF THE STATE OF IDAHO.

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

SECTION 1. That Section 42-206, Idaho Code, be, and the same is

hereby amended to read as follows:

42-206. RESIDENCE A REQUISITE FOR ISSUANCE. No permit to appropriate water for power purposes in the state of Idaho shall hereafter be granted to any person or association of persons not an actual bona fide resident or residents of the state of Idaho, nor to any corporation or partnership unless organized or qualified to do business in and under the laws of the state of Idaho.

Approved April 3, 1986.

CHAPTER 218
(H.B. No. 637)

AN ACT

RELATING TO CAMPAIGN CONTRIBUTIONS; AMENDING SECTION 67-6602, IDAHO CODE, TO INCLUDE JUDGE OF THE DISTRICT COURT IN THE DEFINITION OF PUBLIC OFFICE; AMENDING SECTION 67-6607, IDAHO CODE, TO PROVIDE FOR FILING OF REPORTS OF CONTRIBUTIONS AND EXPENDITURES FOR CANDIDATES FOR THE OFFICE OF THE SUPREME COURT OR JUDGE OF THE DISTRICT COURT; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 67-6602, Idaho Code, be, and the same is hereby amended to read as follows:

67-6602. DEFINITIONS. As used in this act, the following terms have the following meanings:

(a) "Candidate" means an individual who has taken affirmative action to seek nomination or election to public office. An individual shall be deemed to have taken affirmative action to seek such nomination or election to public office when he first:

(1) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(2) Announces publicly or files for office.

(b) "Compensation" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally enforceable, to do any of the foregoing, for services rendered or to be rendered, but does not include reimbursement of expenses if such reimbursement does not exceed the amount actually expended for such expenses and is substantiated by an itemization of such expenses.

(c) "Contribution" includes any advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, subscription or transfer of money or anything of value, and any contract, agreement, promise or other obligation, whether or not legally

enforceable, to make a contribution, in support of or in opposition to any candidate, political committee or measure. Such term also includes personal funds or other property of a candidate or members of his household expended or transferred to cover expenditures incurred in support of such candidate but does not include personal funds used to pay the candidate filing fee. Such term also includes the rendering of personal and professional services for less than full consideration, but does not include ordinary home hospitality or the rendering of "part-time" personal services of the sort commonly performed by volunteer campaign workers or advisors or incidental expenses not in excess of twenty-five dollars ($25.00) personally paid for by any volunteer campaign worker. "Part-time" services for the purposes of this definition, means services in addition to regular full-time employment, or, in the case of an unemployed person or persons engaged in part-time employment, services rendered without compensation or reimbursement of expenses from any source other than the candidate or political committee for whom such services are rendered. For the purposes of this act, contributions, other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution.

(d) "Election" means any general, special or primary election.

(e) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a measure.

(f) "Expenditure" includes any payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(g) "Lobby" and "lobbying" each mean attempting through contacts with, or causing others to make contact with, members of the legislature or legislative committees, to influence the approval, modification or rejection of any legislation by the legislature of the state of Idaho or any committee thereof.

(h) "Lobbyist" includes any person who lobbies.

(i) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed, directly or indirectly, and all persons by whom he is compensated for acting as a lobbyist.

(j) "Measure" means any proposal, to be voted statewide, submitted to the people for their approval or rejection at an election, including any initiative, referendum or revision of or amendment to the state constitution.

(k) "Nonbusiness entity" means any group (of two (2) or more individuals), corporation, association, firm, partnership, committee, club or other organization except any such group, corporation, association, firm, partnership, committee, club or other organization which:

(1) Has as its principal purpose the conduct of business activities for profit; and

(2) Did not during the immediately preceding calendar year receive contributions, gifts or membership fees, which in the aggregate exceeded ten per cent (10%) of its total receipts for such year.

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

(m) "Political committee" means:

(1) Any person specifically designated to support or oppose any candidate or measure; or

(2) Any person who receives contributions and makes expenditures in an amount exceeding five hundred dollars ($500) in any calendar year for the purpose of supporting or opposing one (1) or more candidates or measures.

(n) "Political treasurer" means an individual appointed by a candidate or political committee as provided in section 67-6603, Idaho Code.

(o) "Public office" means any state office or position, including state senator, ~~and~~ state representative, and judge of the district court that is filled by election.

SECTION 2. That Section 67-6607, Idaho Code, be, and the same is hereby amended to read as follows:

67-6607. REPORTS OF CONTRIBUTIONS AND EXPENDITURES. (a) The political treasurer for each candidate and the political treasurer of each political committee shall file with the secretary of state:

(1) Not more than fourteen (14) days and not less than seven (7) days before the date of a primary election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee prior to the fifteenth day before the primary election;

(2) Not more than thirty (30) days after the date of a primary election in which a losing candidate or a winning candidate for the office of justice of the supreme court or the office of judge of the district court, or a losing political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the primary election to and including the tenth day after the primary election.

(3) Not more than fourteen (14) days and not less than seven (7) days before the date of a general election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee since and including the fifteenth day before the date of the primary election and to and including the fifteenth day before the general election, together with a cumulative statement showing all such contributions and expenditures or encumbrances to and including the fifteenth day before the general election; and

(4) Not more than thirty (30) days after the date of a general

election in which the candidate or political committee is involved, a statement of all contributions received and all expenditures or encumbrances made by or on behalf of the candidate or political committee to cover the period since the fifteenth day before the general election to and including the tenth day after the general election.

(b) For the first report under this section the reporting period shall cover the period beginning with the first contribution, expenditure, or encumbrance.

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, 1986.

Approved April 3, 1986.

CHAPTER 219
(H.B. No. 640)

AN ACT

RELATING TO INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS; AMENDING SECTION 63-3029A, IDAHO CODE, TO INCLUDE IDAHO EDUCATION PUBLIC BROADCAST SYSTEM FOUNDATIONS WITHIN THE PURPOSES FOR WHICH A CHARITABLE CONTRIBUTION INCOME TAX CREDIT IS ALLOWED.

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

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

63-3029A. INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS -- LIMITATION. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided herein, as a credit against the income tax imposed by chapter 30, title 63, Idaho Code, an amount equal to fifty percent (50%) of the aggregate amount of charitable contributions made by such taxpayer during the year to a nonprofit corporation, fund, foundation, trust, or association organized and operated exclusively for the benefit of institutions of higher learning located within the state of Idaho, to nonprofit private or public institutions of elementary, secondary, or higher education located within the state of Idaho, <u>to Idaho education public broadcast system foundations within the state of Idaho,</u> and to public libraries and library districts located within the state of Idaho.

1. In the case of a taxpayer other than a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed twenty percent (20%) of such taxpayer's total income tax liability imposed by section 63-3024, Idaho Code, for the year, or fifty dollars ($50.00), whichever is less.

2. In the case of a corporation, the amount allowable as a credit under this section for any taxable year shall not exceed ten percent

(10%) of such corporation's total income or franchise tax liability imposed by sections 63-3025 and 63-3025A, Idaho Code, for the year, or five hundred dollars ($500), whichever is less.

For the purposes of this section, "institution of higher learning" means only an educational institution located within this state meeting all of the following requirements:

(a) It maintains a regular faculty and curriculum and has a regularly enrolled body of students in attendance at the place where its educational activities are carried on.

(b) It regularly offers education above the twelfth grade.

(c) It is accredited by the Northwest Association of Schools and Colleges, or by the state board of education.

For the purposes of this section, a nonprofit institution of secondary or higher education means a private nonprofit secondary or higher educational institution located within the state of Idaho, which is accredited by the Northwest Association of Schools and Colleges, or by the state board of education. A nonprofit private institution of elementary education means a private nonprofit elementary educational institution located within the state of Idaho and approved by the state board of education.

Approved April 3, 1986.

CHAPTER 220
(H.B. No. 642)

AN ACT

RELATING TO THE ADJUDICATION OF WATER RIGHTS; REPEALING SECTIONS 42-1401, 42-1407, 42-1408, 42-1409, 42-1410, 42-1411, 42-1412, 42-1413, AND 42-1415, IDAHO CODE; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1401, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1401A, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1402, IDAHO CODE, TO PROVIDE THAT ALL STATE DECREED WATER RIGHTS ARE APPURTENANT TO THE LAND AND TO PROVIDE AN EXCEPTION FOR FEDERAL RESERVED WATER RIGHTS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1404, IDAHO CODE, TO PROVIDE FOR PRIVATE ACTIONS TO ADJUDICATE WATER RIGHTS; AMENDING SECTION 42-1405, IDAHO CODE, TO PROVIDE WHEN A SUPPLEMENTAL ADJUDICATION SHALL BE AVAILABLE AND TO REVISE PROCEDURES FOR A SUPPLEMENTAL ADJUDICATION; AMENDING SECTION 42-1406, IDAHO CODE, TO PROVIDE WHEN THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL COMMENCE A GENERAL ADJUDICATION; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1407, IDAHO CODE, TO SPECIFY THE CONTENTS OF A PETITION FOR A GENERAL ADJUDICATION; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1408, IDAHO CODE, TO PROVIDE THE PROCEDURE FOR COMMENCING A GENERAL ADJUDICATION; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE,

BY THE ADDITION OF A NEW SECTION 42-1408A, IDAHO CODE, TO PROVIDE THE PROCEDURE FOR SERVICE OF THE NOTICE OF ORDER COMMENCING A GENERAL ADJUDICATION; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1409, IDAHO CODE, TO PROVIDE THE PROCEDURE FOR TAKING NOTICES OF CLAIMS BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES IN A GENERAL ADJUDICATION; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1410, IDAHO CODE, TO PROVIDE FOR EXAMINATION OF THE WATER SYSTEM AND THE CLAIMS BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1411, IDAHO CODE, TO PROVIDE FOR A REPORT BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1412, IDAHO CODE, TO PROVIDE THE PROCEDURE FOR FILING OBJECTIONS, FOR RESPONSES TO OBJECTIONS, FOR A HEARING BEFORE A DISTRICT COURT JUDGE AND FOR ENTRY OF A FINAL DECREE; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1413, IDAHO CODE, TO PROVIDE FOR THE FILING OF A FINAL DECREE; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1415, IDAHO CODE, TO PROVIDE FOR ENFORCEMENT OF THE EXTENDED VARIABLE FEE; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1417, IDAHO CODE, TO PROVIDE FOR THE INTERIM ADMINISTRATION OF WATER RIGHTS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1418, IDAHO CODE, TO PROVIDE FOR APPEALS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1419, IDAHO CODE, TO PROVIDE THAT ENTRY OF AN ORDER COMMENCING A GENERAL ADJUDICATION ON A SPECIAL DOCKET CONSTITUTES CONSTRUCTIVE NOTICE AND THAT CERTIFIED COPIES MAY BE FILED IN OTHER COUNTIES; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1420, IDAHO CODE, TO PROVIDE THE EFFECT OF A DECREE ON PARTIES INCLUDING UNKNOWN PERSONS AND ON PERSONS WITH UNPERFECTED WATER RIGHTS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1421, IDAHO CODE, TO PROVIDE PROCEDURES FOR ADJUDICATION OF UNPERFECTED WATER RIGHTS INITIATED UNDER STATE LAW; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1422, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT, POWERS AND DUTIES, COMPENSATION AND DISQUALIFICATION OF A SPECIAL MASTER AND TO PROVIDE THE PROCEDURES FOR REVIEW OF THE SPECIAL MASTER'S REPORT; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1423, IDAHO CODE, TO PROVIDE FOR SEVERABILITY; AMENDING SECTION 42-1777, IDAHO CODE, TO PROVIDE FOR PAYMENT OF JUDICIAL EXPENSES OF THE SNAKE RIVER ADJUDICATION; AMENDING SECTION 31-2402, IDAHO CODE, TO PROVIDE FOR THE FILING FOR RECORD OF TRANSCRIPTS OF JUDGMENTS WHICH AFFECT THE TITLE OR POSSESSION OF REAL PROPERTY INCLUDING WATER RIGHTS AND OF A NOTICE OF ORDER OF GENERAL ADJUDICATION; AMENDING SECTION 31-2407, IDAHO CODE, TO PROVIDE FOR THE FILING FOR RECORD WITH THE RECORD OF DEEDS THE TRANSCRIPTS OF JUDGMENTS AFFECTING THE TITLE OR POSSESSION OF REAL PROPERTY INCLUDING WATER RIGHTS; TO PROVIDE APPLICATION OF THIS ACT TO CERTAIN ADJUDICATIONS WHERE AN ORDER OF JOINDER WAS ENTERED PRIOR TO JULY 1, 1986; TO PROVIDE LEGISLATIVE

INTENT REGARDING NEGOTIATIONS BETWEEN THE STATE OF IDAHO AND THE SHOSHONE-BANNOCK TRIBES OF THE FORT HALL INDIAN RESERVATION AND TO PROVIDE WHEN A PETITION TO COMMENCE AN ADJUDICATION WITH RESPECT TO THE SHOSHONE-BANNOCK TRIBES MAY BE FILED; AND TO PROVIDE APPLICATION OF PORTIONS OF THIS ACT REGARDING THE COMMENCEMENT OF A GENERAL ADJUDICATION.

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

SECTION 1. That Sections 42-1401, 42-1407, 42-1408, 42-1409, 42-1410, 42-1411, 42-1412, 42-1413 and 42-1415, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1401, Idaho Code, and to read as follows:

42-1401. LEGISLATIVE INTENT. The legislature finds and declares that the state laws and procedures for the adjudication of rights to the use of water need to be modified:

(1) to provide a statutory procedure for incorporating a negotiated agreement between a federal reserved water right claimant and the state of Idaho into an adjudication;

(2) to provide a more efficient method for adjudications;

(3) to assure that state laws and procedures provide a fair and impartial forum for the adjudication of the rights of all claimants; and

(4) to assure that state laws and procedures are adequate as a matter of federal law to adjudicate the water rights of all federal reserved water right claimants.

SECTION 3. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1401A, Idaho Code, and to read as follows:

42-1401A. DEFINITIONS. The following terms are defined for purposes of this chapter as follows:

(1) "Claimant" means any person asserting ownership of rights to the use of water within the state of Idaho or on whose behalf ownership of rights to the use of water is asserted.

(2) "Consumptive use" means the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage, whether or not treatment for purposes of maintaining water quality is required before the water may be returned to the water system.

(3) "Department" means the Idaho department of water resources.

(4) "Director" means the director of the Idaho department of water resources.

(5) "Domestic use" means the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in

connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day. Domestic use shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments.

(6) "General adjudication" means an action for the judicial determination of the extent and priority of the rights of all persons to use water from any water system within the state of Idaho that binds all persons, including unknown parties, except as provided in section 42-1420, Idaho Code.

(7) "Party" means the director, any person who is a claimant, or any person who is served or joined.

(8) "Person" means an individual, a partnership, a trust, an estate, a corporation, a municipal corporation, the state of Idaho or any political subdivision, the United States, an Indian tribe, or any other public or private entity.

(9) "Private adjudication" means an action commenced in accordance with section 42-1404, Idaho Code, for the judicial determination of the extent and priority of the rights of named parties to the use of water from any water system within the state of Idaho, for which a general adjudication has not been commenced or completed, that binds only those persons joined as parties.

(10) "Purchaser" means any successor in interest of a claimant, whether the interest is acquired by purchase, gift, inheritance, or other means.

(11) "Supplemental adjudication" means an action commenced in accordance with section 42-1405, Idaho Code, for the judicial determination of the extent and priority of the rights of the plaintiff(s) to the use of water from any water system within the state of Idaho which has been adjudicated in a general adjudication or in a private adjudication.

(12) "Stock watering use" means the use of water solely for livestock or wildlife where the total use is not in excess of thirteen thousand (13,000) gallons per day.

(13) "Water system" includes all rivers, streams, lakes, springs, ground waters, or other sources within this state, including all water subject to claims based upon federal law, including any river system or other source, as used in 43 U.S.C. section 666.

SECTION 4. That Section 42-1402, Idaho Code, be, and the same is hereby amended to read as follows:

42-1402. DECREED RIGHTS APPURTENANT TO LAND -- FEDERAL RESERVED WATER RIGHTS EXCEPTED. In allotting the waters of any ~~stream~~ water system by the district court according to the rights and priorities of those using such waters, such allotment shall be made to the use to which such water is beneficially applied, ~~and when such water is used for irrigation,~~ except where federal reserved water rights are involved, in which case the allotment shall be made in accordance with federal law. T~~t~~he right confirmed by such decree or allotment shall be appurtenant to and shall become a part of the land on which the water is ~~irrigated by such water~~ used, and such right will pass with the

conveyance of such land, and such decree shall describe the land to which such water shall become so appurtenant, except in the case of a federal reserved water right. The amount of water so allotted shall never be in excess of the amount actually used for beneficial purposes for which such right is claimed, or in the case of a federal reserved water right, in excess of the amount determined by federal law.

SECTION 5. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1404, Idaho Code, and to read as follows:

42-1404. PRIVATE ACTIONS FOR ADJUDICATION OF WATER RIGHTS. (1) Any claimant may file suit in the district court for the county in which the point of diversion or place of use of the claimed right is located for the purpose of adjudicating rights to the use of water from any water system for which a general adjudication has not been commenced or completed. The claimant shall name as defendants the director and all claimants of rights to the use of water from the water system whose joinder is necessary to resolve the dispute over rights to the use of water from the water system. The claimant shall also publish notice of the action in the manner specified in subsection (2)(b) of section 42-1408A, Idaho Code.

(2) If the director determines that the public interest and necessity will be served by a general adjudication of water rights, the director may submit a counterclaim in the form of a petition to the court for an order commencing a general adjudication and the adjudication shall proceed in the manner specified in sections 42-1406 and 42-1407 through 42-1423, Idaho Code.

(3) If the director determines that the public interest and necessity will not be served by a general adjudication of water rights, the action may proceed as described in subsections (4) through (7) of this section as an adjudication of the rights of all persons joined pursuant to subsection (1) of this section.

(4) Any claimant of a right to the use of water from the water system shall be entitled to intervene and have his or her right adjudicated. The court may request a report of the director, as described in section 42-1411, Idaho Code, as to those rights to be determined, in which case the director shall commence an examination of the water system in accordance with the provisions of section 42-1410, Idaho Code.

(5) The director shall provide to the court an estimate of the costs that will be incurred in conducting the examination and in preparing the report and an approximate time when the report will be completed. The court shall order the claimants of the rights to be determined to submit a notice of claim to the director in accordance with section 42-1409, Idaho Code, except that the fee as described in section 42-1414, Idaho Code, shall not apply. Upon the completion of claims-taking, the director shall bill each claimant for a claim fee equal to that claimant's proportionate share of the total estimated cost to the state relative to that claimant's share of the total amount of water claimed by all claimants or for an amount as deter-

mined by the court. Any notice of claim for a water right for which the fee is unpaid after thirty (30) days from billing by the director shall be incomplete and may be rejected by the director. Prior to filing of the report with the court, the claimants shall pay the balance of the department's verified costs or be refunded any unused estimated costs advanced to the department in the same proportion as described above. In the event that a claimant shall contest the department's costs, the court shall then determine the reasonable costs to be paid by each claimant.

(6) Notice of the filing of the report shall be given and objections to the report shall be made and heard as provided in sections 42-1411 and 42-1412, Idaho Code. The adjudication shall otherwise proceed in accordance with the Idaho rules of civil procedure. The decree shall contain or incorporate a statement of each element of a water right as stated in subsections (2) and (3) of section 42-1411, Idaho Code, as applicable. The decree shall also determine all other matters necessary for the efficient administration of the water rights. The decree shall be conclusive as to the rights determined in the proceeding only as to those persons party to the proceeding.

(7) Any party aggrieved by the decree of the district court may appeal in accordance with the Idaho appellate rules.

SECTION 6. That Section 42-1405, Idaho Code, be, and the same is hereby amended to read as follows:

42-1405. SUMMARY SUPPLEMENTAL ADJUDICATION OF WATER RIGHTS. (1) Where an adjudication of a water system ~~as defined in section 42-1401, Idaho Code,~~ has been ~~adjudicated~~ commenced prior to July 1, 1986, or where an adjudication of a water system has been commenced pursuant to subsection (3) of section 42-140~~1~~4, Idaho Code, ~~by~~ resulting in a decree of any court of competent jurisdiction, and thereafter it ~~shall~~ appears that any claimant having the right to the use of any part of those waters was not included in the decree as a party ~~thereto~~, and the right was not determined thereby, or that a claimant subsequent to the decree has acquired any right to the use of those waters, the claimant~~,~~ may bring an action to have such right adjudicated in the ~~following~~ manner specified in subsection (3) of this section.

(2) Where a general adjudication of a water system has been commenced or enlarged after July 1, 1986, pursuant to sections 42-1406 or 42-1406A, Idaho Code, resulting in a decree of any court of competent jurisdiction, and thereafter, it appears that a claimant subsequent to the decree has acquired any right to the use of those waters, or that a claimant who possesses a water right designated in paragraphs (a) through (d) of subsection (1) of section 42-1420, Idaho Code, did not have those water rights determined, the claimant may bring an action to have those water rights adjudicated in the manner specified in subsection (3) of this section.

(3) The following procedure shall be used for any supplemental adjudication:

(a) Claimant may bring an action in the district court of the county wherein the point of diversion or place of use of the claimed right is located against the watermaster having charge of

the distribution of the water source in which ~~said party claims~~ the claimant asserts an interest, or if there be no watermaster thereof, then against the director ~~of the department of water resources~~, provided that if the action is brought against the watermaster notice thereof shall be mailed by certified mail by the filing party to the director ~~of the Idaho department of water resources~~, at the time of service upon the watermaster; and

(b) The claimant shall, in his complaint, ~~set out his own right and he shall further~~ set forth his acceptance as binding upon him of all prior applicable decrees and the findings of fact and conclusions of law upon which they are based, shall request the commencement of a supplemental adjudication and shall set forth the claimed water right in a notice of claim form furnished by the director and attached to the complaint. Thereupon, the district court shall issue a summons ~~shall issue out of said court in said~~ cause and it shall be served upon ~~said~~ the defendant; and

(c) After return of service of summons, the claimant ~~in said action~~ shall cause to be published once a week for not less than three (3) weeks, a notice of the pendency and purpose of ~~said~~ the action in such newspaper or newspapers as the judge of ~~said~~ the district court may order, which notice shall contain the title of the court and the cause, the name and post-office address of the plaintiff, the date of priority of the water right claimed, the source of the water supply, the amount of water claimed, in general the nature of the water use, the approximate location of the point of diversion, and the place of use; and

(d) Any person ~~claiming a water right which~~ who may be injured ~~thereby,~~ and who objects to the water right claimed by the plaintiff, as described in the published notice, shall, within forty-five (45) days of the date of the first publication of notice, file with the district court written notice of such objection stating the reasons for the objection. A copy of the objection shall be served upon the plaintiff, the watermasters, the director ~~of the department of water resources~~ and upon all other parties of record in the action; and

(e) The director ~~of the department of water resources~~, within thirty (30) days after the expiration of the time fixed to file an objection with the court, shall file with the court notification as to whether the ~~department~~ director will conduct an examination of the water rights claimed in the complaint and whether the department will prepare for submittal to the court a report ~~in the nature of a proposed finding of water rights~~ as described in section 42-1411, Idaho Code, as applicable. The director may commence an examination of the water system in accordance with the provisions of section 42-1410, Idaho Code. Notification to the court that a report will be prepared shall include an approximation of the time when the report ~~could~~ will be completed, and an estimate of the director's costs ~~to the state~~ that will be incurred in conducting the examination and in preparing the report. Plaintiff shall then be required to advance to the ~~department of water resources~~ director, the estimated costs to be incurred by the ~~department of water resources~~ director in conducting the

examination and in preparing the report. Prior to the filing of the report with the court, the plaintiff shall pay the balance of the ~~department's~~ director's verified costs or be refunded any unused estimated costs advanced to the ~~department~~ director. In the event that the claimant shall contest the ~~department's~~ director's costs, the court shall then determine the reasonable costs to be paid by the claimant; and

(f) ~~Upon--completion--of--the--report--by-the-department-of-water resources,-it-shall-be-filed~~ The director shall file the report with the court upon completion and shall send a copy thereof ~~shall be-sent~~ to all parties to the action. Objections to the report of the ~~department~~ director and hearing upon ~~such~~ the objections shall be in accordance with the provisions of section 42-141~~0~~2, Idaho Code; and

(g) For those cases in which the director ~~of--the--department--of water--resources~~ notifies the district court that ~~it~~ the director does not intend to prepare a report, ~~in~~ the ~~nature-of--a--proposed finding--of--water-rights,-said~~ cause may thereafter be brought on for hearing in open court, and any ~~named~~ party ~~or-any-person~~ having filed a timely objection with the court may appear and defend against ~~said-right~~ the claim; provided that the court in such a case may, upon motion and good cause shown, order the ~~department of-water-resources~~ director to prepare a report in accordance with subsections (~~1~~3)(e) and (~~1~~3)(f) hereof.

(~~2~~4) The court's ~~by-its~~ decree ~~in-said-action~~ shall determine the rights of ~~said~~ the plaintiff in accordance with the proof submitted but subject to the terms of the original decree or decrees. The decree shall contain or incorporate a statement of each element of a water right as stated in subsections (2) and (3) of section 42-1411, Idaho Code, as applicable, except that a decree for any adjudication commenced prior to July 1, 1986, need not contain a determination of the annual volume of consumptive use. The decree shall also determine all other matters necessary for the efficient administration of the water rights. Whereupon water shall be distributed to the claimant in accordance therewith and in the same manner as though ~~he-had--had--his said~~ the claimant's right had been included in ~~said~~ the decree or decrees.

(~~3~~5) Any party to said action~~,~~ may appeal in accordance with the Idaho appellate rules from the decree entered in the action hereby authorized to be brought.

SECTION 7. That Section 42-1406, Idaho Code, be, and the same is hereby amended to read as follows:

42-1406. ~~ACTION--TO--ADJUDICATE-WATER-RIGHTS~~ GENERAL ADJUDICATION -- PUBLIC INTEREST. ~~The-director-of-the-department-of-water-resources, upon-his-own-initiative-or-upon~~ (1) Upon petition signed by five (5) or more or a majority of the users of water from any water system requesting a determination of the rights of the various ~~users~~ claimants of water from that system, if ~~he~~ the director deems that the public interest and necessity will be served by a determination of the water rights~~,-shall-be-authorized-to-designate-all-of-[or]-any-part-of~~

~~a--water--system-which-shall-include-streams,-lakes,-ground-waters,-or any-other-body-of-water,-tributaries-and-contributory-sources--thereto and--commence--an--action--in-the-district-court-for-the~~ of that water system, the director shall petition the court for an order commencing a general adjudication of the ~~water~~ rights of the claimants from the water system, in accordance with sections 42-1407 and 42-1408, Idaho Code.

(2) If the director deems that the public interest and necessity will be served by a determination of the water rights of any water system, the director, upon his own initiative, may file a petition for entry of an order commencing a general adjudication.

SECTION 8. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1407, Idaho Code, and to read as follows:

42-1407. GENERAL ADJUDICATION -- CONTENTS OF PETITION. (1) A petition for a general adjudication shall contain among other things, the following:

(a) a description of the proposed boundaries of the water system to be adjudicated;

(b) a statement of why the public interest and necessity would be served by a general adjudication;

(c) a list of counties where the water system proposed to be adjudicated is located and a designation of whether all or only a portion of the county is included within the boundaries of the proposed general adjudication;

(d) a description of the general method proposed to ascertain and to serve claimants not disclosed following completion of the service required by paragraphs (a) through (d) of subsection (2) of section 42-1408A, Idaho Code; and

(e) a prayer for relief requesting the district court to enter an order that commences the general adjudication.

(2) A petition for entry of an order commencing a general adjudication shall be captioned: "In Re the General Adjudication of Rights to the Use of Water From the _____ Water System.".

SECTION 9. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1408, Idaho Code, and to read as follows:

42-1408. GENERAL ADJUDICATION -- VENUE -- NOTICE OF FILING -- COMMENCEMENT ORDER. (1) A general adjudication shall be brought in any district court in which any part of the water system within the state of Idaho is located. The clerk of the district court in which the petition is filed shall send to the supreme court a true and certified copy of the petition. The supreme court, by order, shall assign the judge to preside over the general adjudication. Venue of the general adjudication shall be determined by order or rule of the supreme court and venue of hearings under the general adjudication shall be deter-

mined by order of the presiding judge.

(2) The director shall prepare, in plain and concise language, and publish a notice of filing of a petition for entry of an order commencing a general adjudication for three (3) consecutive weeks in a newspaper of general circulation published in each county in which any part of the water system proposed to be adjudicated is located. If there is no newspaper published within a county, then the notice shall be published in a newspaper having general circulation in that county. The date set for hearing on the petition shall not be less than twenty (20) days after the last date of publication. The director shall serve the notice of filing a petition on the United States and on the state of Idaho. The director shall file affidavit(s) of service of the notice of filing with the district court upon completion of service.

(3) The notice of filing shall contain:

(a) a description of the boundaries of the water system proposed for the general adjudication;

(b) a statement of the date, place, and time of hearing before the district court;

(c) a concise statement of the matters proposed to be considered before the district court; and

(d) a statement that the district court will hear evidence and legal argument from any person in response to any matter raised by the petition.

(4) With respect to a general adjudication commenced pursuant to section 42-1406, Idaho Code, if the district court determines that the public interest and necessity will be served by a general adjudication, the district court shall enter an order that includes the following:

(a) a provision that commences the general adjudication;

(b) a description of the boundaries of the water system for which a general adjudication is commenced;

(c) a list of counties where the water system to be adjudicated is located and a designation of whether all or only a portion of the county is included within the boundaries of the general adjudication;

(d) a provision that requires all claimants to file a notice of claim or negotiated agreement for all water rights from the water system, except that the court may exclude those types of water rights designated in paragraph (a) of subsection (1) of section 42-1420, Idaho Code;

(e) a determination of the method of service for claimants not disclosed following completion of the service required by paragraphs (a) through (d) of subsection (2) of section 42-1408A, Idaho Code; and

(f) a statement that the files of the district court will contain affidavits of service and other documents stating the persons served with a copy of the notice of order commencing the general adjudication.

(5) Promptly upon entry of the commencement order, the clerk of the district court shall send a certified copy of the order to the director, and shall serve notice of entry of the order on all persons appearing before the court in accordance with the Idaho rules of civil

procedure, except that the director may prepare and provide to the clerk, sufficient copies of a notice of entry of the order for service.

SECTION 10. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1408A, Idaho Code, and to read as follows:

42-1408A. SERVICE OF NOTICE OF ORDER COMMENCING A GENERAL ADJUDICATION. (1) Upon entry of a district court's order commencing a general adjudication, the director shall prepare a notice of order, using plain and concise language, that contains the following information or enclosures:

(a) an order commencing a general adjudication has been entered, the date of entry of the order, and the district court that entered the order;

(b) an illustration of the boundaries of the water system to be adjudicated;

(c) that section 42-1409, Idaho Code, requires in a general adjudication all claimants, except as specifically excluded by law, to file for each water right on a form furnished by the director; failure to file a required notice of claim will result in a court determination that no water right exists for the use of water for which the required notice of claim was not filed;

(d) a notice of claim is required for any water right license and for any water right permit on file for which the director requires a permit holder to file a notice of claim in accordance with section 42-1409, Idaho Code; a notice of claim may be filed for any other water right permit;

(e) a notice of claim is not required for a water right evidenced by an application on file with the department;

(f) a notice of claim, if the court order excludes any uses from an adjudication, may be filed for the excluded use prior to the filing of the director's report with the district court and the right will be determined, even though a notice of claim is not required;

(g) a notice of claim is not required for any person who receives water solely by virtue of ownership of shares of stock in, or by being located within the boundaries of, a water delivery organization, if the water delivery organization holds legal title to the water right and if the water delivery organization files a notice of claim;

(h) the date set by the director for filing a timely notice of claim, which shall not be less than ninety (90) days after service;

(i) the locations at which the notice of claim forms will be available and at which a reasonably detailed map of the boundaries of the water system will be posted;

(j) section 42-1414, Idaho Code, requires each claimant, other than those exempted by federal law, to pay a variable fee with a notice of claim; failure to pay the fee will result in rejection

of the notice of claim; failure to file a timely notice of claim will result in the assessment of a late fee in the amount of fifty dollars ($50.00) or fifteen per cent (15%) of the original filing fee, whichever is greater;

(k) section 42-1409, Idaho Code, requires that all purchasers of a water right inquire of the director whether a notice of claim has been filed, and if not, to file a notice of claim, except as specifically excluded by law, and that all claimants and purchasers provide the director written notice of any change in ownership, along with some evidence of ownership or of any change in mailing address; and

(l) the files of the district court will contain affidavits of service or other documents stating the persons served with a copy of the notice of order.

(2) The director shall serve copies of the notice of order on the parties to the general adjudication as follows:

(a) the director shall serve the notice of order on the state of Idaho and the United States;

(b) the director shall serve the notice of order on claimants other than the persons in paragraph (a) of subsection (2) of this section, initially by publication once a week for three (3) consecutive weeks in a newspaper of general circulation published in each county in which any part of the water system, which is the subject of the general adjudication, is located. If there is no newspaper published within a county, then the copies shall be published in a newspaper having general circulation in that county;

(c) the director shall post the notice of order in each county courthouse, county recorder's office, and county assessor's office in which any part of the water system is located. The director shall complete the posting on or before the date of the last publication within each county;

(d) the director shall serve the notice of order by ordinary mail on each person listed as owning real property on the real property assessment roll within the boundaries of the water system to be adjudicated at the address listed on the real property assessment roll; and

(e) the director shall file a copy of the notice of order commencing a general adjudication in the office of the county recorder in each county in which any part of the water system is located; notwithstanding the provisions of section 5-505, Idaho Code, the notice, from the time it is filed with the recorder for record, is constructive notice of the contents thereof within the county in which the notice is recorded, to subsequent purchasers and mortgagees.

(3) The director shall send the notice of order by ordinary mail to all persons who submit a written request to the director to be notified of the commencement of an adjudication. The director may circulate copies in any additional manner the director deems appropriate.

(4) Upon expiration of the period for filing notices of claims, the director shall compare the notices of claims with department records and other information reasonably available to determine

whether there are any rights to water from the water system for which no notice of claim was filed. In the event the director determines that not all claimants have filed claims, the director shall make a reasonably diligent effort in accordance with the court order to determine the land to which the possible claim is appurtenant, the last known owner of that land, and the last known address of that owner. The director shall serve a notice of order on the last known owner in accordance with the court order. The notice shall contain the information specified in subsection (1) of this section, except that the notice shall state the additional period of time, in no case less than ninety (90) days from the date the notice is served, in which the notice of claim must be received by the director.

(5) The director shall file with the district court such proof of service as may be required to demonstrate compliance with the above requirements.

SECTION 11. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1409, Idaho Code, and to read as follows:

42-1409. NOTICE OF CLAIM. (1) The director shall prepare and furnish at no cost two (2) standard notice of claim forms. One (1) notice of claim form shall be for use by any claimant claiming a water right acquired under state law. The other notice of claim form shall be for use by any claimant claiming a water right reserved under federal law, unless the state of Idaho and the federal reserved water rights claimant have described the water right in a negotiated agreement and have submitted a copy of that agreement to the director.

(2) The notice of claim form for use by any claimant who claims a water right acquired under state law shall include the following:

(a) the name and address of the claimant;

(b) the source of water;

(c) the quantity of water claimed to be used in cubic feet per second or the quantity of water stored in acre-feet per year;

(d) the date of priority claimed from any license, permit, or decree; or if the right is not based upon a license, permit, or decree, then the date when the water was first applied to beneficial use;

(e) the number thereof, if founded upon a right on file with the department; or if the right is founded upon judicial decree not on file with the department, then the title of the court and cause, number of the action and the date of entry;

(f) the legal description of the point of diversion; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow;

(g) the purpose(s) of use and the period of the year when water is used for each purpose;

(h) a legal description of the place of use; if one (1) of the purposes of use is irrigation, then the number of irrigated acres within each forty (40) acre subdivision, except as provided in section 42-219, Idaho Code;

(i) the dates of any changes or enlargements in use, including the dimension of the diversion works as originally constructed and as enlarged;

(j) the annual volume of consumptive use; and

(k) such other facts as the director may require to show the extent and nature of the right and to show compliance with the law in acquiring the right claimed.

(3) The other notice of claim form shall be for use by any claimant who claims a water right reserved under federal law, unless the state of Idaho and the federal reserved water rights claimant have described the water right in a negotiated agreement and have submitted a copy of that agreement to the director. The notice of claim form shall include the following, as applicable:

(a) the name and address of the claimant;

(b) the source of water;

(c) the total quantity of water claimed to be reserved for each and every purpose, including all present and future uses;

(d) the date of priority claimed;

(e) the legal description of existing point(s) of diversion; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow;

(f) the purpose(s) for which the water included in the claim is presently being used, if at all;

(g) the period of the year when water is necessary for the designated purposes;

(h) a legal description of the reservation;

(i) a map designating for each consumptive use the existing or proposed place of use;

(j) the annual volume of consumptive use;

(k) a list of document(s) creating the federal reservation; and

(l) such other facts as the court may require to define the right in accordance with federal law.

(4) A claimant may amend a notice of claim form at any time prior to the filing of the director's report required by section 42-1411, Idaho Code. With respect to any water right for which a change was approved by the director pursuant to sections 42-211 or 42-222, Idaho Code, after filing the notice of claim and prior to filing of the director's report, the claimant shall amend the notice of claim consistent with the determination of the director on the change. If a claimant increases in an amended notice of claim the amount of water claimed, the amount of land irrigated or the kilowatt capacity of the generating facility, the claimant shall pay upon filing the amended notice of claim an additional variable fee in accordance with the rates set forth in section 42-1414, Idaho Code. Claimants shall be entitled to return of filing fees or late fees only where the fee was miscalculated at the time the original or amended notice of claim was filed.

(5) Each claimant shall sign and verify under oath that the statements contained in a notice of claim or amended notice of claim are true and correct.

(6) All claimants of water rights that are included in a general adjudication shall file with the director a notice of claim or nego-

tiated agreement of federal reserved water rights for all water rights, except for those types of water rights designated in paragraphs (a) through (d) of subsection (1) of section 42-1420, Idaho Code. Any claimant may file a notice of claim or negotiated agreement for any water right designated in paragraphs (a) through (d) of subsection (1) of section 42-1420, Idaho Code, at any time before the director's report is filed with the district court. Any person who fails to submit a required notice of claim or negotiated agreement shall be deemed to have been constructively served with notice of a general adjudication by publication and mailing as required by section 42-1408A, Idaho Code.

(7) Each purchaser of a water right from the water system shall inquire of the director whether a notice of claim has been filed, and if not, shall file a notice of claim in accordance with this section. All claimants and purchasers shall provide the director written notice of any change in ownership or of any change in mailing address during the pendency of a general adjudication. All purchasers shall submit some evidence of ownership along with the notice of change of ownership.

(8) If a claimant files a notice of claim after the date set by the director in the notice mailed or served in accordance with subsections (2), (3), or (4) of section 42-1408A, Idaho Code, or with subsection (9) of this section; the claimant shall pay the fee set forth in section 42-1414, Idaho Code, and in addition, the amount of fifty dollars ($50.00) or fifteen per cent (15%) of the original filing fee, whichever is greater. The district court or the director may waive the late processing fee or a portion thereof for good cause.

(9) At least one hundred twenty (120) days prior to filing of the director's report with the court, the director may notify each holder of a permit or license to appropriate water from the water system, for which proof of beneficial use was filed after entry of the court's order commencing a general adjudication, to file a notice of claim within ninety (90) days of mailing of the notice. The director shall notify the holder of the permit or license by certified mail at the most recent address shown in the records of the department.

(10) The district court or director may extend the time for filing a notice of claim.

SECTION 12. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1410, Idaho Code, and to read as follows:

42-1410. EXAMINATION OF WATER SYSTEM AND OF CLAIMS. (1) Upon entry of the court's order commencing a general adjudication, or as required in sections 42-1404 or 42-1405, Idaho Code, the director shall commence an examination of the water system, the canals and ditches and other works, and the uses being made of water diverted from the water system. The examination shall continue for such a period of time as is necessary to evaluate the extent and nature of each water right for which a notice of claim has been filed. The director may conduct any fact-finding hearing necessary for a full and

adequate disclosure of the facts.

(2) The director and other employees of the department shall have authority to go upon all lands, both public and private, for the purpose of investigating the uses of water from any water source and may require the cooperation of the claimant in investigating the claimant's water use. The employee investigating the claimant's use shall make a reasonable effort to contact the claimant to schedule a date and approximate time for the examination. If the well or diversion works are located in a building other than an unlocked structure used solely for housing the well or other diversion works in which there is no reasonable expectation of privacy, the employee shall only enter the building in the absence of a court order after requesting and receiving the permission of the claimant or other occupant. The director may request the district court to issue an order compelling inspection and subpoenas requiring the attendance of any witness or the production of documents in accordance with the Idaho rules of civil procedure.

(3) The provisions of subsections (1) and (2) of this section shall not apply to federally recognized Indian reservations unless pursuant to court order or tribal consent.

(4) The director shall prepare a map or maps of the water system to be adjudicated in such detail as the director deems appropriate to assist the claimants in preparing notices of claims and objections to the director's report.

(5) Any maps prepared by the director pursuant to subsection (4) of this section shall be available for inspection at the offices of the department and any other locations the director may designate, for the purpose of assisting any claimant in preparing and filing claims and objections to the director's report.

SECTION 13. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1411, Idaho Code, and to read as follows:

42-1411. REPORT OF THE DIRECTOR. (1) The director shall prepare a report on the water system. The report shall consist of three (3) parts. The first part of the report shall contain the director's determination of the rights to the use of water from the water system in accordance with the provisions of subsection (2) of this section and a description of the water system. The second part of the report shall contain an abstract of each notice of claim or negotiated agreement for all water rights reserved under federal law in accordance with the provisions of subsection (3) of this section. The third part of the report shall contain the notices of claim or negotiated agreements filed by any claimants of rights reserved under federal law.

(2) The director shall determine the following elements with respect to all water rights acquired under state law:

(a) the name and address of the claimant;

(b) the source of water;

(c) the quantity of water used in cubic feet per second or the quantity of water stored in acre-feet per year;

(d) the date of priority;

(e) the legal description of the point(s) of diversion; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow;

(f) the purpose of use;

(g) the period of the year when water is used for such purposes;

(h) a legal description of the place of use; if one (1) of the purposes of use is irrigation, then the number of irrigated acres within each forty (40) acre subdivision, except as provided in section 42-219, Idaho Code;

(i) the annual volume of consumptive use; and

(j) such other matters as are necessary to define the right.

(3) The director shall abstract the notices of claim or negotiated agreements for all water rights reserved under federal law. The abstract shall summarize the notices of claim or negotiated agreement for all water rights reserved under federal law but shall not change in any substantive manner the claimed or negotiated water right. The abstract shall include the following elements, as applicable:

(a) the name and address of the claimant;

(b) the source of water;

(c) the total quantity of water claimed to be reserved for each and every purpose, including all present and future uses;

(d) the date of priority;

(e) the legal description of the existing point(s) of diversion; if the claim is for an instream flow, then a legal description of the beginning and ending points of the claimed instream flow;

(f) the period of the year when water is necessary for such purposes;

(g) the annual volume of consumptive use;

(h) a legal description of the reservation;

(i) such other matters as the court may require to define the right in accordance with federal law.

(4) The director shall file an original of the report with the district court. The director shall distribute for display and review by parties, at least one (1) copy of parts I and II of the report to each county wherein a portion of the water system is located. The director shall also serve on each claimant or the claimant's attorney at the last known post office address a notice of filing of the director's report. The notice shall be prepared by the director using plain and concise language and shall include:

(a) a statement that the director's report of the various rights to be adjudicated within the water system has been filed with the district court, naming the district court with which the report was filed;

(b) a copy of that portion of the report setting forth the claimant's water right;

(c) a statement that a complete copy of parts I and II of the report is available for inspection, listing the locations at which the report is available, which shall include the office of the clerk of the district court for each county in which any part of the stream system is located, the offices of the department, and any other locations the director may designate;

(d) a statement that all or a portion of the report is available upon request at the offices of the department, subject to payment of a reasonable fee to cover costs of reproduction and mailing;
(e) a statement that any party may file objections to any portion of the report with the district court specified in the notice and must mail a copy of the objection to the director, and to the claimant of each claimed or negotiated right objected to, if the objector is not also the claimant of the right for which the objection is filed;
(f) the date prior to which all objections must be filed, which shall not be less than sixty (60) days for any director's report containing five hundred (500) claims or less, one hundred twenty (120) days for any director's report containing more than five hundred (500) claims and not more than five thousand (5,000) claims, and one hundred eighty (180) days for any director's report containing more than five thousand (5,000) claims; the above-stated periods of time shall commence on the date of service by mail of the notice of filing;
(g) a statement that the director shall file responses to objections to the first part of the report, that the director shall mail copies of the response to the objector and the claimant of the right objected to, that the claimant of the right objected to may file a response to an objection and that the claimant in such event shall mail a copy of any response to the objector and to the director;
(h) a statement that claimants of claims or negotiated rights listed in the second part of the report may file responses to objections filed against their claims or negotiated rights, and that a copy of any response must be mailed to the director, and to the objector, if the objector is not the director;
(i) the date prior to which all responses to objections must be filed with the court, which shall not be less than one hundred twenty (12) days following receipt of a copy of the objection; and
(j) a statement that any part of the report to which no objections are filed shall be decreed by the district court and the time and location set for the hearing at which the unobjected parts of the report will be decreed, which time shall not be less than sixty (60) days following the expiration of the period for filing responses to objections.

(5) The director shall file an affidavit with the district court demonstrating compliance with the notice requirements of subsection (4) of this section.

SECTION 14. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1412, Idaho Code, and to read as follows:

42-1412. OBJECTIONS -- RESPONSES TO OBJECTIONS -- HEARING BEFORE DISTRICT JUDGE -- ENTRY OF FINAL DECREE. (1) Any party who desires to object to parts I or II of the director's report shall file the party's objections with the district court within the time specified

in the notice of filing of the report. The party shall also send a copy of the objection to the claimant whose water right claim or negotiated right is the subject of the objection and to the director.

(2) The director shall file with the district court a response to any objection to part I of the report within the time specified in the notice of filing of the report. The director shall attach to each response the original of the notice of claim. The director shall mail a copy of the response to the objector and the claimant whose right is the subject of the objection. A claimant may file with the district court a response to any objection filed with respect to the claimant's water right within the time specified in the notice of filing of the report. The claimant shall mail a copy of any response to the objector and to the director.

(3) Any claimant of a water right reserved under federal law may file with the district court a response to any objection filed with respect to the claimant's water right described in part II of the report within the time specified in the notice of filing of the report. The claimant shall mail a copy of any response to the objector and to the director.

(4) The report of the director, objections, responses to objections, notices of claims and any negotiated agreement between the state of Idaho and any federal reserved water right claimant shall constitute the pleadings. The district court may allow such further or amended pleadings as may be necessary for a final determination of the proceedings.

(5) Following expiration of the period for filing objections and responses thereto, the district court may convene pretrial conferences on an objection or any group of objections. Following consultation with the parties, the district court may enter a pretrial order. The pretrial order may establish the following:

(a) the date when all pretrial motions shall be filed;

(b) the date when all discovery shall be completed; and

(c) the date for the trial on the objection(s).

(6) The district court shall provide the director, each party who objected, and each claimant whose claimed or negotiated right is the subject of the objection, written notice of the pretrial conference at least thirty (30) days prior to the date set for the pretrial conference.

(7) The district court or special master shall conduct the trial without a jury on an objection or any group of objections in accordance with the Idaho rules of civil procedure.

(8) The district court shall enter a decree determining the nature and extent of the water right which is the subject of the objection or other matters which are the subject of the objection. The decree shall contain or incorporate a statement of each element of a water right as stated in subsections (2) and (3) of section 42-1411, Idaho Code, as applicable, except that a decree for any adjudication commenced prior to July 1, 1986, need not contain a determination of the annual volume of consumptive use for any water right. The decree shall also determine all other matters necessary for the efficient administration of the water rights. Upon entry of the decree, the clerk of the district court shall send a certified copy of the decree

to the director in accordance with section 42-1403, Idaho Code. The clerk of the district court shall notify the objector and claimant of each right as to which an objection was determined by the district court of entry of the decree in the manner provided in the Idaho rules of civil procedure, except that the director may prepare and provide to the clerk sufficient copies for service of a notice of entry of the decree.

(9) Not less than sixty (60) days after the expiration of the period for filing responses to objections, the director shall file with the district court a statement of those portions of parts I and II of the director's report for which no objection was filed. The portions of the director's report for which no objection was filed shall be admitted as true facts. Following hearing, the district court shall enter a decree as to those portions of parts I and II of the report, including all matters necessary for the efficient administration of the water rights, for which no objection has been filed. The decree shall contain or incorporate a statement of each element of a water right as stated in subsections (2) and (3) of section 42-1411, Idaho Code, as applicable, except that a decree for any adjudication commenced prior to July 1, 1986, need not contain a determination of the annual volume of consumptive use. Upon entry of the decree, the clerk of the district court shall send a certified copy of the decree to the director in accordance with section 42-1403, Idaho Code. The clerk of the district court shall notify each claimant of entry of the decree in the manner provided in the Idaho rules of civil procedure, except that the director may prepare and provide to the clerk, sufficient copies for service of a notice of entry of the decree.

(10) The district court may extend or shorten the time for filing any objection to the director's report or any response to an objection.

SECTION 15. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1413, Idaho Code, and to read as follows:

42-1413. FILING OF FINAL DECREE. (1) When a decree has become final in an adjudication in which the director filed a report, the director shall file a certified copy of the decree or a transcript thereof in the office of the county recorder of each county in which the place of use or point of diversion of the water rights contained in the decree is located.

(2) When a decree has become final in an adjudication in which the director has not filed a report, the clerk of the district court in which the decree is entered shall file a certified copy of the decree or a transcript thereof in the office of the county recorder for each county in which the place of use or point of diversion of the water rights decreed is located, and shall send a certified copy of the decree to the director as required in section 42-1403, Idaho Code.

(3) The transcript of decree shall contain the following:

(a) title of the district court;

(b) name of the case;

(c) the case number;
(d) names of each party;
(e) date of entry;
(f) the description of the boundaries of the water system, which is the subject of the general adjudication;
(g) a statement that the decree is entered in the records of the clerk of the district court;
(h) a statement that information as to the rights decreed is available at the offices of the department; and
(i) such other information as may be necessary to assist any person searching the title of a parcel to find the decree.

(4) A decree or transcript recorded pursuant to this section from the time it is filed with the recorder for record, is constructive notice of the contents of the decree within the county in which the decree or transcript is recorded to subsequent purchasers and mortgagees.

SECTION 16. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1415, Idaho Code, and to read as follows:

42-1415. ENFORCEMENT OF EXTENDED VARIABLE FEE. After filing of the director's report in a general adjudication, the director may prohibit the diversion and use of water in satisfaction of a right claimed or decreed in the adjudication upon the failure of the claimant to comply with the schedule for payment of variable fees as set forth in subsection (3) of section 42-1414, Idaho Code.

SECTION 17. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1417, Idaho Code, and to read as follows:

42-1417. GENERAL ADJUDICATION -- INTERIM ADMINISTRATION OF WATER RIGHTS. (1) At any time after filing of the director's report and prior to entry of a partial decree of affected water rights, the district court may, by order, permit the formation of water districts and the delivery of water in all or part of the water system pursuant to chapter 6, title 42, Idaho Code. The district court may permit the delivery of water in a water district:
(a) in accordance with part I of the director's report or as modified by the court's order;
(b) in accordance with the notices of claims abstracted in part II of the director's report upon a preliminary determination that the claimants of the rights to be administered are reasonably likely to prevail on the merits of their claims, or if not, then as modified by the court's order; or
(c) in accordance with negotiated agreements abstracted in part II of the director's report or as modified by the court's order.
(2) The district court may enter the order only:
(a) upon a motion by the director or by a claimant of water from

the water system;

(b) after notice by the moving party by mail to the director and each claimant of water from the water system or portion thereof that could reasonably be determined to be adversely affected by entry of the order; and

(c) upon a determination by the court, after hearing, that the interim administration of water rights in accordance with the report, or as modified by the court's order, is reasonably necessary to protect senior water rights.

(3) Immediately upon entry of the court's order of interim administration of water rights, the clerk of the district court shall mail a certified copy of the order to the director, and the director shall immediately give notice of the order to the watermaster of the water districts affected by the order.

(4) The provisions of this section shall not apply to the delivery of federal reserved water rights within a federally recognized Indian reservation.

SECTION 18. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1418, Idaho Code, and to read as follows:

42-1418. APPEALS. The following orders and decrees are appealable upon entry:

(1) an order commencing a general adjudication pursuant to sections 42-1406A or 42-1408, Idaho Code;

(2) an order of reference to a special master in a general adjudication pursuant to section 42-1422, Idaho Code;

(3) a partial decree in a general adjudication pursuant to subsection (9) of section 42-1412, Idaho Code; and

(4) a decree after hearing on objections in a general adjudication pursuant to subsection (8) of section 42-1412, Idaho Code.

SECTION 19. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1419, Idaho Code, and to read as follows:

42-1419. ENTRY OF AN ORDER COMMENCING A GENERAL ADJUDICATION ON A SPECIAL DOCKET -- CONSTRUCTIVE NOTICE -- FILING OF CERTIFIED COPY OF ORDER IN OTHER COUNTIES. (1) The clerk of the district court shall enter an order commencing a general adjudication on a special docket for water right adjudications in addition to any other district court record.

(2) From the time of docketing and not before, any order commencing a general adjudication is constructive notice of the contents thereof, within the county in which the order is docketed, to subsequent purchasers and mortgagees.

(3) The director shall file a true and certified copy of any order commencing a general adjudication with the district court for each county of this state where the water system to be adjudicated is

located. The clerk of the district court shall file and docket the same as provided in subsection (1) of this section. From the time of such docketing and not before, the order so docketed is constructive notice of the contents thereof within the county in which the order is docketed to subsequent purchasers and mortgagees.

SECTION 20. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1420, Idaho Code, and to read as follows:

42-1420. BINDING EFFECT OF DECREE -- EXCEPTIONS. (1) The decree entered in a general adjudication commenced under the provisions of sections 42-1406 or 42-1406A, Idaho Code, shall be binding on all parties and conclusive as to the nature and extent of the water rights of all parties, including all unknown parties, except that the following described water rights shall not be lost by failure to file a notice of claim or negotiated agreement:

(a) a water right for domestic use or stock watering use, specifically excluded from the general adjudication by court order;

(b) a water right application for permit filed under chapters 2 or 15, title 42, Idaho Code;

(c) a water right permit issued under chapters 2 or 15, title 42, Idaho Code, unless the director required the permit holder to file a notice of claim in accordance with subsection (9) of section 42-1409, Idaho Code; and

(d) a claim to a water right under federal law, if the priority of the right claimed is later than and junior to the date of entry of the order commencing the general adjudication.

(2) The exceptions from the conclusive effect of a decree in a general adjudication stated in subsection (1) above shall not apply to any water right for which a notice of claim or negotiated agreement is filed.

SECTION 21. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1421, Idaho Code, and to read as follows:

42-1421. PROCEDURES FOR ADJUDICATION OF UNPERFECTED WATER RIGHTS INITIATED UNDER STATE LAW -- DIRECTOR'S JURISDICTION. (1) All persons claiming a water right based on an application or permit on the date of entry of the order commencing a general adjudication are not required to file a notice of claim unless required in accordance with subsection (9) of section 42-1409, Idaho Code. If the director approves the application in whole or in part during the pendency of a general adjudication and prior to filing the director's report, the director shall notify the permit holder of the pendency of the general adjudication. A permit holder who is not required by the director to file a notice of claim in accordance with subsection (9) of section 42-1409, Idaho Code, may file a notice of claim at any time prior to filing the director's report.

(2) All persons claiming a water right based on a water right license existing on the date of entry of the order commencing a general adjudication shall file a notice of claim.

(3) The district court shall decree any claimed water right for which proof of beneficial use has not been filed, but shall state that the right is conditioned upon completion of the appropriation in accordance with the laws of the state governing the appropriation of water and that the decreed right shall be subject to the terms of the license to appropriate water that is ultimately issued.

(4) The director retains jurisdiction of all applications, permits and licenses under chapters 2 or 15, title 42, Idaho Code, to take action authorized by the conditions contained in any permit or license or by applicable law.

SECTION 22. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1422, Idaho Code, and to read as follows:

42-1422. SPECIAL MASTER -- APPOINTMENT -- POWERS AND DUTIES -- COMPENSATION -- DISQUALIFICATION -- REVIEW OF SPECIAL MASTER'S REPORT. (1) The district court may appoint one or more special masters in any general adjudication, in accordance with the following procedures:

(a) upon the district court's own motion;

(b) upon agreement of the parties; or

(c) upon motion of any party.

(2) A special master shall be appointed to determine the federal reserved water right claims asserted in the general adjudication authorized in section 42-1406A, Idaho Code, upon request of a party.

(3) The district court shall specify the powers and duties of a special master in the order of reference. The compensation and disqualification of a special master shall be governed by the Idaho rules of civil procedure.

(4) The district court shall not substitute its judgment for that of the special master in the report of the special master as to the weight of the evidence on questions of fact. The district court may affirm the decision of the special master or remand the decision for further proceedings. The district court may reverse or modify the decision if substantial rights of a party have been prejudiced because the findings, inferences, conclusions or decisions are:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the authority of the special master;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) clearly erroneous in view of the reliable probative, and substantial evidence on the whole record; or

(f) arbitrary and capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

SECTION 23. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1423, Idaho Code, and to read as

follows:

42-1423. 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.

SECTION 24. That Section 42-1777, Idaho Code, be, and the same is hereby amended to read as follows:

42-1777. WATER RESOURCES ADJUDICATION ACCOUNT. (1) A water resource adjudication account is hereby created and established in the agency asset fund. Fee moneys in the account are to be utilized by the department of water resources, upon appropriation by the legislature, to pay the costs of the department attributable to general water rights adjudications conducted pursuant to chapter 14, title 42, Idaho Code.

The state treasurer is directed to invest all moneys in the account. All interest or other income accruing from such investment shall accrue to the account.

(2) Fee moneys in the account may also be utilized by the judiciary, upon appropriation by the legislature, to pay for judicial expenses directly relating to the Snake river adjudication including, but not limited to, compensation and expenses of special masters appointed by the Idaho supreme court or by the district court, compensation and expenses of clerical staff of the district court, and publication, notice and mailing costs incurred by the district court.

SECTION 25. That Section 31-2402, Idaho Code, be, and the same is hereby amended to read as follows:

31-2402. INSTRUMENTS TO BE RECORDED. He must, upon the payment of his fees for the same, record separately, in large and well-bound separate books, in legible handwriting, typewriting or by photographic reproduction:

1. Deeds, grants, transfers and mortgages of real estate, releases of mortgages, powers of attorney to convey real estate and leases which have been acknowledged or proved and transcripts of judgments or decrees which affect the title or possession of real property, including water rights, any part of which is situate in the county of which the person is the recorder.

2. Certificates of marriage and marriage contracts.

3. Wills admitted to probate.

4. Official bonds.

5. Notices of mechanics' liens.

6. Transcripts of judgments which by law are made liens upon real estate.

7. Notices of attachments upon real estate.

8. Notices of the pendency of an action affecting real estate, the title thereto or possession thereof.

9. Instruments describing or relating to the separate property of married women.

10. Notices of preemption claims.

11. Certified copies of any petition, with the schedules omitted, filed in, and certified copies of any order or decree made or entered in, any proceeding under the National Bankruptcy Act.

12. Financing statements under the Uniform Commercial Code which cover timber to be cut, minerals or the like (including oil and gas), accounts subject to subsection (5) of section 28-9-103, Idaho Code, or fixtures.

13. Notice of order of a general adjudication in conformance with section 42-1408A, Idaho Code.

14. Such other writings as are required or permitted by law to be recorded.

SECTION 26. That Section 31-2407, Idaho Code, be, and the same is hereby amended to read as follows:

31-2407. JUDGMENTS AFFECTING LAND. The recorder must file and record with the record of deeds, grants and transfers, certified copies of final judgments or, decrees or transcripts of judgments or decrees partitioning or affecting the title or possession of real property, including water rights, any part of which is situate in the county of which he is recorder.

SECTION 27. The provisions of section 10 of this act, which enacts section 42-1408A, Idaho Code, shall not apply to any adjudication in which an order of joinder was entered prior to July 1, 1986, unless the boundaries of the water system are changed by court order after July 1, 1986. The provisions of section 13 of this act, which enacts section 42-1411, Idaho Code, as herein enacted, shall not apply to any adjudication in which a report of the director was filed prior to the effective date of this act.

SECTION 28. Good faith negotiations in accordance with H.C.R. No. 16, adopted by the First Regular Session of the Forty-eighth Idaho Legislature, and appearing at page 745 of the 1985 Idaho Session Laws, and the memorandum of understanding between the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation and the state of Idaho, acting through the Governor and Attorney General, are in the public interest. No petition pursuant to section 42-1406A, Idaho Code, shall be filed prior to July 1, 1987, if the tribal-state negotiations are continuing. A petition pursuant to section 42-1406A, Idaho Code, may be filed:

(1) if the tribal-state negotiations have ceased;

(2) if the state of Idaho and Shoshone-Bannock Tribes mutually agree to commence the adjudication; or

(3) if a negotiated agreement has been approved by the Idaho Legislature, by the Shoshone-Bannock Tribes, and by the United States to the extent that federal approval may be required under federal law.

SECTION 29. The provisions of subsection (2) of section 42-1404,

Idaho Code, and subsections (1) and (2) of section 42-1406, Idaho Code, shall not be used to commence the general adjudication authorized by section 42-1406A, Idaho Code.

Approved April 3, 1986.

CHAPTER 221
(H.B. No. 645, As Amended)

AN ACT

RELATING TO ENFORCEMENT OF CHILD SUPPORT ORDERS; AMENDING SECTION 7-1107, IDAHO CODE, TO PROVIDE THAT ACTIONS TO ESTABLISH PATERNITY CAN BE RETROACTIVE; AMENDING SECTION 72-1365, IDAHO CODE, TO PROVIDE PROPER DEFINITIONS AND CODE REFERENCES; AMENDING SECTION 11-603, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES; AMENDING SECTION 11-607, IDAHO CODE, TO PROVIDE PROPER DEFINITIONS AND CODE REFERENCES; AMENDING SECTION 59-1325, IDAHO CODE, TO ALLOW EXECUTION, GARNISHMENT, AND WITHHOLDING OF PUBLIC EMPLOYEES RETIREMENT BENEFITS FOR CHILD SUPPORT; AMENDING SECTION 7-1049, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING SECTION 7-1056, IDAHO CODE, TO PROVIDE FOR ADDITIONAL ACTIONS TO ENFORCE SUPPORT; AMENDING SECTION 7-1059, IDAHO CODE, TO PROVIDE THAT CERTAIN ACTIONS MAY BE PROSECUTED BY ATTORNEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 7-1071, IDAHO CODE, TO PROVIDE FOR MOVING SUPPORT ORDERS FROM COUNTY TO COUNTY WITHIN THE STATE AND TO PROVIDE FOR COMPLIANCE WITH THE PROVISIONS OF CHAPTER 12, TITLE 32, IDAHO CODE; AMENDING SECTION 7-1202, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING SECTION 7-1203, IDAHO CODE, TO ALLOW ATTACHMENT, GARNISHMENT, AND WITHHOLDING OF WORKMEN'S COMPENSATION BENEFITS FOR CHILD SUPPORT; AND AMENDING SECTION 11-103, IDAHO CODE, TO PROVIDE FOR MORE FREQUENT RETURNS ON GARNISHMENTS OR EXECUTION FOR CHILD SUPPORT.

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

SECTION 1. That Section 7-1107, Idaho Code, be, and the same is hereby amended to read as follows:

7-1107. LIMITATION OF ACTION. Proceedings to establish paternity of the child may be instituted only after the birth of the child and must be instituted before the child reaches the age of majority as defined in section 32-101, Idaho Code.

This section shall apply retroactively, and is for the benefit of any dependent child, whether born before or after the effective date of this act, and regardless of the past or current marital status of the parents.

SECTION 2. That Section 72-1365, Idaho Code, be, and the same is hereby amended to read as follows:

72-1365. PAYMENT OF BENEFITS. (a) With respect to unemployment occurring after July 1, 1947, benefits shall be paid from the employment security fund to any unemployed individual who is eligible for benefits as provided by section 72-1366, Idaho Code.

~~(b)--(1)-An-individual-filing-a-new-claim-for-unemployment-compensation-shall,-at-the-time-of-filing-such-claim,--disclose--whether or--not--the--individual-owes-child-support-obligations-as-defined under-subsection-(7).-If-any-such-individual-owes-child-or-spousal support-obligations,-and-is-determined-to-be--eligible--for--unemployment-compensation,-the-director-shall-notify-the-department-of health--and-welfare,-bureau-of-child-support-enforcement,-that-the individual-has-been-determined-to--be--eligible--for--unemployment compensation.--The--director-shall-notify-the-department-of-health and-welfare-of-the-amount-of--unemployment--compensation--due--the claimant-and-the-claimant's-address.~~

(b) Periodically, the department of health and welfare, bureau of child support enforcement, shall forward to the director a list containing the full name and social security number of persons from whom it is seeking child or spousal support. The director shall match the names and social security numbers on the list with its records of individuals eligible for unemployment compensation, and shall notify the department of health and welfare, bureau of child support enforcement, of the address and amount of compensation due each individual.

(~~2~~1) Voluntary withholding. The director shall deduct and withhold from any unemployment compensation payable to an individual that owes child support obligations as defined under subsection (~~8~~7) the amount specified by the individual to the director to be deducted and withheld under this subsection, if subsection (~~3~~2) below is not applicable.

(~~3~~2) Involuntary withholding. The director shall withhold ~~preliminarily~~ any unemployment compensation of any person within the limits established by section 11-207, Idaho Code, upon notification and order by the department of health and welfare, bureau of child support enforcement, to collect any delinquent account or debt which has been assigned on behalf of any individual to the department of health and welfare under sections 56-203A and 56-203B, Idaho Code, or child or spousal support which the department seeks to collect pursuant to chapter 12, title 7, Idaho Code. The set-off or withholding of any unemployment compensation of a claimant shall become final after the following conditions have been met:

(A) The child or spousal support payment to be set-off or withheld is an obligation established by order as defined in section 7-1202, Idaho Code.

(B) All liabilities owed by reason of the provisions of section 72-1369, Idaho Code, have been collected by the director.

(C) Notice of the proposed set-off or withholding has been mailed by registered or certified mail from the department of health and welfare, bureau of child support enforcement, to the claimant-obligor at the address listed on the claim.

Within fourteen (14) days after such notice has been

mailed (not counting Saturday, Sunday, or state holidays as the 14th day), the claimant-obligor may file a protest in writing, requesting a hearing before the department of health and welfare to determine his liability to the obligee. The hearing, if requested, shall be held within thirty-five (35) days from the date of the initial notice to the claimant-obligor of the proposed set-off. No issues at that hearing may be considered which have been litigated previously. The department of health and welfare shall issue its findings and decision either at the hearing or within ten (10) days of the hearing by mail to the claimant-obligor.

(D) In its decision, the department of health and welfare may order the withholding and set-off of any subsequent unemployment compensation payments which may be due the claimant-obligor until the debt for which set-off is sought and any additional debts which are incurred by the claimant's failure to make additional periodic payments based upon the same court order are satisfied.

(~~4~~3) Any amount deducted and withheld under subsections (~~2~~1) or (~~3~~2) shall be paid by the director to the appropriate state or local child support enforcement agency.

(~~5~~4) Any amount deducted and withheld under subsections (~~2~~1) or (~~3~~2) shall for all purposes be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local child support enforcement agency in satisfaction of the individual's child or spousal support obligations.

(~~6~~5) For purposes of subsections (1) through (~~5~~4), the term "unemployment compensation" means any compensation payable under this act, including amounts payable by the director pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

(~~7~~6) This section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the director under the provisions of this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

(~~8~~7) The term "child or spousal support obligations" is defined for the purposes of these provisions as including only obligations which are being enforced pursuant to a plan described in section 454 of the social security act which has been approved by the secretary of health and human services under part D of title IV of the social security act.

(~~9~~8) The term "state or local child support enforcement agency" as used in these provisions means any agency of this state or a political subdivision thereof operating pursuant to a plan described in subsection (~~8~~7).

(c) Benefits shall be paid only to the extent that moneys are available for such payments in the employment security fund.

(d) All benefits shall be paid at such times not less frequently than biweekly, and in such manner as the director shall by rules pre-

scribe.

(e) Upon request, the department of health and welfare, bureau of child support enforcement, shall make the procedures established in this section for collecting child support available to county prosecuting attorneys. The provisions of this subsection apply only if appropriate arrangements have been made for reimbursement by the requesting prosecuting attorney for the administrative costs incurred by the bureau, which are attributable to the request.

SECTION 3. That Section 11-603, Idaho Code, be, and the same is hereby amended to read as follows:

11-603. PROPERTY EXEMPT WITHOUT LIMITATION. An individual is entitled to exemption of the following property:

(1) a burial plot for the individual and his family;

(2) health aids reasonably necessary to enable the individual or a dependent to work or to sustain health;

(3) benefits the individual is entitled to receive under federal social security, or veteran's benefits, except the restrictions under this subsection shall not apply to enforcement of an order for the support of any person by execution, garnishment, or wage withholding under chapter 12, title 7, Idaho Code;

(4) benefits the individual is entitled to receive under federal, state, or local public assistance legislation;

(5) benefits payable for medical, surgical, or hospital care;

(6) state unemployment compensation to the extent provided for in section 72-1375, Idaho Code~~, except the restructions under this subsection shall not apply to enforcement of an order for the support of any person by execution, garnishment, or wage withholding under chapter 12, title 7, Idaho Code.~~

SECTION 4. That Section 11-607, Idaho Code, be, and the same is hereby amended to read as follows:

11-607. CLAIMS ENFORCEABLE AGAINST EXEMPT PROPERTY. (1) Notwithstanding other provisions of this act:

(a) A creditor may make a levy against exempt property except property described in section 11-603, Idaho Code, to enforce a claim for:

1. alimony, support, or maintenance;

2. unpaid earnings of up to one (1) month's compensation or the full-time equivalent of one (1) month's compensation for personal services of an employee;

3. state or local taxes;

4. civil damages for offenses punishable by imprisonment in the state penitentiary, or for malicious or intentional injury to persons or property, or for damages resulting from the operation of a motor vehicle for which the defendant is convicted of reckless driving, driving while under the influence of intoxicating liquor or drugs, or driving while operator's license has been suspended or revoked, or claims for obtaining money or property by false pretenses or on

credit by intentionally making materially false statements in writing respecting financial condition; or

5. rent for any kind of dwelling place; claims for food and lodging; and

(b) A creditor may make a levy against exempt property to enforce a claim for:

1. the purchase price of the property or a loan made for the express purpose of enabling an individual to purchase property and used for that purpose; and

2. labor or materials furnished to make, repair, improve, preserve, store, or transport the property.

(c) ~~A--creditor~~ The department of health and welfare, bureau of child support enforcement may make a levy against exempt property described in subsections~~--(3)--and~~ (6) of section 11-603, Idaho Code, to enforce a claim for child support or spousal support as defined in ~~section 7-1201~~ chapter 12, title 7, Idaho Code.

(2) This act does not affect any statutory lien or security interest in exempt property. Such a security agreement shall not be invalidated in or affected by any legal proceedings, including those under the federal bankruptcy act, involving the debtor.

SECTION 5. That Section 59-1325, Idaho Code, be, and the same is hereby amended to read as follows:

59-1325. RIGHTS TO BENEFITS INALIENABLE. The right of a person to any benefits under this act and the money in any fund created by this act shall not be assignable or subject to execution, garnishment or attachment or to the operation of any bankruptcy or insolvency law, except that benefits of a member shall be subject to garnishment, execution, or wage withholding under chapter 12, title 7, Idaho Code, for the enforcement of an order for the support of a minor child. Should a court order direct distribution or partial distribution of a member benefit defined in either chapter 13, title 59, Idaho Code, or chapter 14, title 72, Idaho Code, be made to the member's spouse or former spouse, that member's full benefit entitlement will be forwarded to the court for distribution.

SECTION 6. That Section 7-1049, Idaho Code, be, and the same is hereby amended to read as follows:

7-1049. DEFINITIONS. (a) "Bureau" means the bureau of child support enforcement, Idaho department of health and welfare.

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

(c) "Department" means the Idaho department of health and welfare.

(~~b~~d) "Duty of support" means a ~~duty of~~ legally enforceable obligation to provide for the support of a minor child or a spouse, whether imposed or imposable by law or by order, decree, administrative ruling, or judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, annulment, separation,

separate maintenance, or otherwise but not including payment of alimony, and includes the duty to pay arrearages of support.

(~~c~~e) "Governor" includes any person performing the functions of governor or the executive authority of any state covered by this act.

(~~d~~f) "Initiating state" means a state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced. "Initiating court" means the court in which a proceeding is commenced.

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

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

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

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

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

(l) "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse.

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

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

(o) "Title IV-D Agency" means the single and separate agency designated to enforce child support under an approved state plan pursuant to Title IV-D of the Social Security Act.

SECTION 7. That Section 7-1056, Idaho Code, be, and the same is hereby amended to read as follows:

7-1056. HOW DUTIES OF SUPPORT ARE ENFORCED. All duties of support, including the duty to pay arrearages, and amounts reimbursable to a state or political subdivision thereof which has provided public assistance on behalf of a dependent child, are enforceable by a proceeding under this act ~~including a proceeding for civil contempt~~. Actions authorized under this act include establishment of paternity, establishment of a support order, wage assignments, garnishment, liens, executions of liens, contempt proceedings and any other collection or enforcement procedure. The defense that the parties are immune

to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

SECTION 8. That Section 7-1059, Idaho Code, be, and the same is hereby amended to read as follows:

7-1059. OFFICIALS TO REPRESENT OBLIGEE. If this state is acting as an initiating state the prosecuting attorney shall represent the obligee in any proceeding under this act. If the prosecuting attorney neglects or refuses to represent the obligee the attorney general may order him to comply with the request of the court or will undertake the representation. If the obligee is a public agency to which support rights have been assigned, or an individual who has made application for IV-D child support enforcement services, the obligee shall be represented by legal counsel for the department of health and welfare. Legal counsel for the department of health and welfare shall have the same powers, duties, and functions as the prosecuting attorney in such cases.

SECTION 9. That Section 7-1071, Idaho Code, be, and the same is hereby amended to read as follows:

7-1071. ORDER OF SUPPORT. If the responding court finds a duty of support it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. The court and prosecuting attorney or legal counsel for the department of health and welfare of any county where the obligor is present or has property have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the prosecuting attorney or legal counsel for the department of health and welfare shall transmit a certified copy of the order and the payment record to the county where it appears that procedures to enforce payment of the amount due would be effective. The clerk and prosecuting attorney or counsel for the department of health and welfare to whom the certified copies of the order and payment record are forwarded shall proceed with enforcement and report the results of the proceedings to the initiating jurisdiction.

Support orders made pursuant to this act shall require that payments be made to the clerk of the court of the responding state if the obligee is not receiving child support enforcement services under Title IV-D of the Social Security Act; or to the department of health and welfare if the obligee is receiving child support enforcement services under Title IV-D of the Social Security Act. Upon receipt of a payment made by respondent, the clerk of the court or department of health and welfare shall immediately transmit the same to the initiating jurisdiction.

Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code,

advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

SECTION 10. That Section 7-1202, Idaho Code, be, and the same is hereby amended to read as follows:

7-1202. DEFINITIONS. As used in this chapter:

(1) "Bureau" means the bureau of child support enforcement, department of health and welfare of the state of Idaho.

(2) "Current support" means the present month's required support pursuant to an order that is to be paid in increments, excluding amounts ordered to satisfy a delinquency.

(3) "Delinquency" means unpaid, court-ordered support for a minor child or spouse, the amount of which is at least equal to the support payable for one (1) month.

(4) "Obligee" means any person, state agency or bureau entitled by order to receive child support payments or child and spousal support payments.

(5) "Obligor" means any person obligated by order to pay child or spousal support.

(6) "Order" means a judgment, decree, order, or administrative ruling entered by a court in the United States directing a person or persons to pay money for support of a minor child or a spouse.

(7) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to, wages, salary, commission, compensation as an independent contractor, workers' compensation, disability, veteran's annuity and retirement benefits, and any other payments made by any person, private entity, federal or state government, any unit of local government, school district or any entity created by a public act.

(8) "Withholding order" means any order issued by the bureau ordering an employer to retain an amount of the obligor's income for child support or spousal support.

(9) "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse ~~who is living with a child or children for whom the individual also owes support.~~

(10) "Employer" means any person, private entity, federal or state government, unit of local government, school district, or any entity created by a public act who pays income to an individual.

SECTION 11. That Section 7-1203, Idaho Code, be, and the same is hereby amended to read as follows:

7-1203. AVAILABLE REMEDIES. In addition to other remedies available to the bureau or obligee, collection of any delinquency from an obligor on behalf of an obligee shall be accomplished through any of the following means:

(1) The bureau shall intercept and withhold tax refunds to satisfy child support obligations pursuant to section 56-203D, Idaho Code.

(2) The bureau shall intercept and withhold a portion of any unemployment benefit payable to an obligor pursuant to section 72-1365, Idaho Code.

(3) The bureau shall administer a program to withhold a portion of an obligor's income for the benefit of the obligee pursuant to this chapter.

(4) The bureau shall intercept and withhold a portion of any veteran's benefits payable to an obligor pursuant to state or federal law.

(5) The bureau shall attach, garnish, or intercept and withhold a portion of any workmen's compensation benefits which are payable to an obligor pursuant to title 72, Idaho Code.

SECTION 12. That Section 11-103, Idaho Code, be, and the same is hereby amended to read as follows:

11-103. TIME WHEN RETURNABLE -- RECORD IN EXECUTION BOOK -- CONTINUOUS EXECUTION OR GARNISHMENT FOR CHILD SUPPORT. (a) Except as provided in subsection (b) of this section, the execution may be made returnable at any time not less than ten (10) nor more than sixty (60) days after its receipt by the sheriff, to the clerk with whom the judgment roll is filed. When the execution is returned, the clerk must attach it to the judgment roll. If any real estate be levied upon, the clerk must record the execution and the return thereto at large, and certify the same under his hand as true copies in a book to be called the "execution book," which book must be indexed with the names of the plaintiffs and defendants in execution alphabetically arranged, and kept open at all times during office hours for the inspection of the public without charge. It is evidence of the contents of the originals whenever they, or any part thereof, may be destroyed, mutilated or lost.

(b) Where an execution or garnishment against earnings or unemployment benefits for a delinquent child support obligation is served upon any person or upon the state of Idaho and there is in possession of such person or the state of Idaho any such earnings or any unemployment benefits of the judgment debtor, the execution and the garnishment shall operate continuously and shall require such person or the state of Idaho to withhold the nonexempt portion of earnings or unemployment benefits at each succeeding earnings or unemployment benefits disbursement interval until released by the sheriff at the written request of the judgment creditor or until the judgment for child support debt, in the dollar amount specifically set forth on the writ of execution and subject to garnishment as of the date the writ of execution is issued, is discharged or satisfied in full; provided, however, that interim returns on such continuous execution or garnish-

ment shall be filed by the sheriff at intervals not to exceed ~~sixty (60)--days;--and-provided,-further,-that-the~~ fourteen (14) days, whenever the amount collected in the fourteen (14) day period is at least equal to fifty dollars ($50.00), but in any event, interim returns on such continuous garnishment shall be filed by the sheriff at intervals not to exceed thirty (30) days. The proportion of earnings subject to garnishment as compared to total available earnings or unemployment benefits shall be limited to the percentage restrictions on garnishment of wages for child support as provided in section 11-207, Idaho Code.

Approved April 3, 1986.

CHAPTER 222
(H.B. No. 646)

AN ACT

RELATING TO ENFORCEMENT OF CHILD SUPPORT; AMENDING TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 12, TITLE 32, IDAHO CODE, TO PROVIDE A STATEMENT OF LEGISLATIVE INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE THAT REMEDIES UNDER THIS CHAPTER ARE IN ADDITION TO OTHER AVAILABLE REMEDIES AND THAT THE PROVISIONS OF THIS CHAPTER APPLY TO ANY DEPENDENT CHILD, TO PROVIDE FOR THE COMMENCEMENT OF PROCEEDINGS, VENUE, FEES AND CONTINUING JURISDICTION, TO PROVIDE FOR MANDATORY INCOME WITHHOLDING, TO PROVIDE FOR A REQUEST FOR MANDATORY INCOME WITHHOLDING, TO PROVIDE FOR ISSUANCE OF A WITHHOLDING ORDER AND NOTICE, TO PROVIDE FOR THE INFORMATION TO BE INCLUDED IN THE ORDER AND LIMITS ON THE AMOUNT WITHHELD, TO PROVIDE FOR THE FORM OF THE WITHHOLDING ORDER, TO PROVIDE FOR THE EMPLOYER'S DUTIES AND RESPONSIBILITIES, AND FEES FOR THE EMPLOYER TO PROVIDE A FORM FOR THE EMPLOYER'S ANSWER, TO PROVIDE FOR SERVICE OF AN INCOME WITHHOLDING ORDER, TO PROVIDE THAT AN OBLIGEE SHALL INFORM THE COURT OF ANY CHANGE OF ADDRESS, AND TO PROVIDE FOR TERMINATION OR MODIFICATION OF A WITHHOLDING ORDER; AMENDING SECTION 10-1302, IDAHO CODE, TO PROVIDE THAT THE TERMS OF A FOREIGN JUDGMENT FILED IN THIS STATE MAY NOT BE MODIFIED UNLESS THE COURT HAS ASSUMED JURISDICTION UNDER THE UNIFORM CHILD CUSTODY JURISDICTION ACT, AND TO PROVIDE THAT THE TERMS OF A FOREIGN JUDGMENT MAY NOT BE MODIFIED UNLESS THE COURT HAS PERSONAL JURISDICTION OVER ALL OF THE PARTIES; AMENDING SECTION 56-203C, IDAHO CODE, TO REQUIRE THAT CHILD SUPPORT ORDERS ISSUED UNDER THIS SECTION MUST COMPLY WITH THE PROVISIONS OF CHAPTER 12, TITLE 32, IDAHO CODE; AMENDING SECTION 32-706, IDAHO CODE, TO PROVIDE THAT AVAILABILITY OF MEDICAL COVERAGE IS A FACTOR TO BE CONSIDERED IN ESTABLISHING A CHILD SUPPORT ORDER, AND TO REQUIRE THAT CHILD SUPPORT ISSUED UNDER THIS SECTION MUST COMPLY WITH THE PROVISIONS OF CHAPTER 12, TITLE 32, IDAHO CODE; AND AMENDING SECTIONS 32-710A, 7-1121, 7-1071, 16-1622 AND 16-1815, IDAHO CODE, TO REQUIRE THAT CHILD SUPPORT ORDERS ISSUED UNDER THESE SECTIONS MUST COMPLY WITH THE PROVISIONS OF CHAPTER 12, TITLE 32, IDAHO CODE.

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

SECTION 1. That Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 12, Title 32, Idaho Code, and to read as follows:

CHAPTER 12
MANDATORY INCOME WITHHOLDING FOR CHILD SUPPORT

32-1201. STATEMENT OF LEGISLATIVE INTENT. The legislature of the state of Idaho finds that a significant number of people who are owed child support are not paid in accordance with the terms of their child support orders; and that income withholding is an effective remedy to insure compliance with child support orders. The following legislation is enacted to ensure that all child support orders will include in them the authority necessary to permit wage withholding. The legislation also includes provisions for the establishment of a support order to insure that all dependent children are adequately supported, regardless of the past or current marital status of the parents. This chapter shall be liberally construed to assure that all dependent children are adequately supported.

32-1202. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter:

(1) "Current support" means the present month's required support pursuant to an order that is to be paid in increments, excluding amounts ordered to satisfy a delinquency.

(2) "Dependent child" means any child for whom a support order has been established or for whom a duty of support is owed.

(3) "Disposable earnings" mean that part of the earnings of an individual remaining after the deduction from those earnings of any amount required by law to be withheld.

(4) "Duty of support" means the duty to provide for the needs of a dependent child, which may include the costs of necessary food, clothing, shelter, education, and health care. The duty includes any obligation to make monetary payment, to pay expenses or to reimburse another person or an agency for the cost of necessary support furnished a dependent child. The duty may be imposed by court order, by operation of law, or otherwise.

(5) "Earnings" mean any form of payment to an individual, regardless of source, including, but not limited to, wages, salary, bonus, commission, compensation for services rendered or goods sold, compensation as an independent contractor; and not withstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension and annuity or retirement programs, or disability or insurance policies of any type, with the following exceptions:

(a) Payments made under chapter 13, title 72, Idaho Code, shall

be exempt from the provisions of this chapter, and shall only be withheld pursuant to the provisions of section 72-1365, Idaho Code, and chapter 12, title 7, Idaho Code;

(b) Payments made under chapter 8, title 72, Idaho Code, shall be exempt from the provisions of this chapter, and shall only be withheld pursuant to the provisions of section 72-802, Idaho Code, and chapter 12, title 7, Idaho Code;

(c) Payments made under title 56, Idaho Code, shall be exempt from the provisions of this chapter.

(6) "Employer" includes the United States government, a state or local unit of government, and any person or entity who pays or owes income to the obligor.

(7) "Income" means any form of periodic payment to an individual, regardless of source, including, but not limited to, wages, salary, bonus, commission, compensation for services rendered or goods sold, compensation as an independent contractor; and not withstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy support obligations, specifically includes periodic payments pursuant to pension and annuity or retirement programs, or disability or insurance policies of any type, with the following exceptions:

(a) Payments made under chapter 13, title 72, Idaho Code, shall be exempt from the provisions of this chapter, and shall only be withheld pursuant to the provisions of section 72-1365, Idaho Code, and chapter 12, title 7, Idaho Code;

(b) Payments made under chapter 8, title 72, Idaho Code, shall be exempt from the provisions of this chapter, and shall only be withheld pursuant to the provisions of section 72-802, Idaho Code, and chapter 12, title 7, Idaho Code;

(c) Payments made under title 56, Idaho Code, shall be exempt from the provisions of this chapter.

(8) "Obligee" means any person, state agency or bureau entitled by order to receive child support payments or child and spousal support payments, or the person or agency to whom the right to receive or collect support has been assigned.

(9) "Obligor" means any person obligated by order to pay child or spousal support.

(10) "Spousal support" means a legally enforceable obligation assessed against an individual for the support of a spouse or former spouse who is living with a child or children for whom the individual also owes support.

(11) "Support order" means a judgment, decree, or order issued by a magistrate or district court of the state of Idaho directing a person or persons to pay money for support of a minor child or to pay spousal support, as herein defined; or a judgment, decree, order or administrative ruling issued by a court or agency of competent jurisdiction in another state or country, directing a person or persons to pay money for support of a minor child or to pay spousal support, as herein defined, which has been registered or otherwise made enforceable in this state.

32-1203. REMEDIES IN ADDITION TO OTHER REMEDIES. (1) The reme-

dies provided in this chapter are in addition to, and not in substitution for, any other remedies provided by law.

(2) The provisions of this chapter apply to any dependent child, whether born before or after the effective date of this act, and regardless of the past or current marital status of the parents.

32-1204. COMMENCEMENT OF PROCEEDINGS - - VENUE - - FEES - - CONTINUING JURISDICTION. (1) A proceeding to enforce a duty of support is commenced:

(a) By filing a petition or complaint for an original action; or

(b) By motion in an existing action or under an existing case number.

(2) Venue for the action is in the district court, or the magistrate division thereof, of the county where the dependent child resides or is present, where the obligor resides, or where the prior support order was entered. The petition or motion may be filed by the obligee, the state, or any agency providing care or support to the dependent child.

(3) A filing fee shall not be assessed in cases brought on behalf of the state of Idaho.

(4) The court retains continuing jurisdiction under this chapter until all duties of support of the obligor, including arrearages, with respect to the dependent child, have been satisfied.

32-1205. MANDATORY INCOME WITHHOLDING. Any child support order issued or modified after July 1, 1986, shall include a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include a statement in substantially the following form:

NOTICE OF INCOME WITHHOLDING

This support order is enforceable by income withholding under chapter 12, title 32, Idaho Code. Whenever there are arrearages at least equal to the support payment for one (1) month, a mandatory income withholding order may be issued by the court to your employer or other person who pays you income, without prior notice to you.

It is not necessary for the obligee to apply for support enforcement services under title IV-D of the social security act (42 U.S.C. 651 et seq.) to obtain enforcement of this support order by means of income withholding.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

32-1206. REQUEST FOR MANDATORY INCOME WITHHOLDING. A petition or motion seeking a mandatory income withholding order in an action under section 32-1204, Idaho Code, may be filed by an obligee whenever there are arrearages at least equal to the child support payment for one (1) month. The petition or motion shall include a sworn statement by the

obligee, stating the facts authorizing the issuance of the income withholding order, including:

(a) That the obligor, stating his or her name, residence, and social security number, is in arrears under a support order in an amount equal to or greater than the support payable for one (1) month;

(b) A description of the terms of the support order requiring the payment of support, and the amount past due;

(c) The name and address of the obligor's employer;

(d) That the support order includes a provision which complies with section 32-1205, Idaho Code, allowing enforcement by income withholding, and that a copy of the order is attached; and

(e) In cases not filed by the state, whether the obligee has received public assistance from any source on behalf of the minor child, and if so, from which source(s).

32-1207. ISSUANCE OF WITHHOLDING ORDER -- CLERK TO NOTIFY THE BUREAU OF CHILD SUPPORT ENFORCEMENT. (1) Upon receipt of a petition or motion seeking a mandatory income withholding order that complies with section 32-1206, Idaho Code, the court shall issue an income withholding order, as provided in section 32-1209, Idaho Code, and including the information required in section 32-1208(1), Idaho Code, directed to the employer, and commanding the employer to answer the order within ten (10) days after service of the order upon the employer, on the forms served with the order that comply with section 32-1211, Idaho Code. The bureau shall supply each county with forms for income withholding orders and answers which comply with the provisions of this chapter.

(2) If said petition or motion indicates that the obligee has received public assistance from any source on behalf of the minor child, the clerk shall immediately forward a copy of the petition or motion to the bureau of child support enforcement, statehouse mail, Boise, Idaho 83720.

32-1208. INFORMATION TO BE INCLUDED IN ORDER -- LIMITATIONS ON AMOUNT WITHHELD. (1) The income withholding order issued pursuant to this chapter shall include:

(a) The maximum amount of current support, if any, to be withheld from the obligor's earnings each month, or from each earnings disbursement; and

(b) The total amount of the arrearage or reimbursement judgment previously entered by the court, if any, together with interest, if any;

(c) The amount of arrearage payments specified in the support order, if any.

(2) The total amount to be withheld from the obligor's earnings each month, or from each earnings disbursement, shall not exceed fifty percent (50%) of the disposable earnings of the obligor. If the amounts to be paid toward the arrearage are specified in the support order, then the maximum amount to be withheld is the sum of the current support ordered and the amount ordered to be paid toward the arrearage, or fifty percent (50%) of the disposable earnings of the

obligor, whichever is less.

(3) If an obligor is subject to two (2) or more withholding orders for child support on account of different obligees, the employer shall, if the nonexempt portion of the obligor's earnings is not sufficient to respond fully to all the withholding orders, apportion to the obligor's nonexempt disposable earnings between or among the various obligees to pay current support for each obligee, and then apply any remaining nonexempt disposable earnings equally between or among the various obligees for arrears. An obligee may seek a court order reapportioning the obligor's nonexempt disposable earnings upon notice to all interested obligees. Notice shall be by personal service, or in the manner provided by the Idaho rules of civil procedure or applicable statute.

32-1209. FORM OF WITHHOLDING ORDER. The income withholding order issued pursuant to this chapter shall be in substantially the following form:

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____, Obligee,	Case No. _____
vs.	INCOME WITHHOLDING ORDER FOR CHILD SUPPORT PURSUANT TO CHAPTER 12, TITLE 32, IDAHO CODE
_____, SS# _____, Obligor,	
_____, Employer.	

THE STATE OF IDAHO TO: Employer _____

AND TO: Employee: _____

The above-named obligee claims that the above-named obligor is delinquent in support payments in an amount equal to or greater than the support payable for one (1) month. The amount of the accrued support debt as of this date is _____ dollars, the amount of arrearage payments specified in the support order (if applicable) is _____ dollars per _____, and the amount of the current and continuing support obligation under the support order is _____ dollars per _____.

YOU ARE HEREBY COMMANDED to answer this order by filling in the attached form according to the instructions, and you must mail or deliver the original of the answer to the court, one (1) copy to the obligee or obligee's attorney, and one (1) copy to the obligor within ten (10) days after service of this income withholding order on you. The fourth copy of the answer may be retained by you for your records.

If you possess any earnings (income) due and owing to the obligor, then you shall do as follows:

(1) Withhold from the obligor's earnings each month, or from each regular earnings disbursement, the lesser of:

(a) The sum of the current support obligation and the accrued support debt;

(b) The sum of the current support obligation and the specified arrearage payment amount; or

(c) Fifty percent (50%) of the disposable earnings of the obligor.

(2) In addition to the amount specified above, you may collect and retain up to five dollars ($5.00) per collection from the obligor's income to reimburse you for your costs. The amount actually withheld for support and other purposes, including your fee, may not be in excess of fifty percent (50%) of the obligor's disposable earnings.

(3) The total amount withheld above is subject to the income withholding order, and all other sums may be disbursed to the obligor.

You shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the income withholding order has been modified or terminated. You shall promptly notify the court if and when the employee is no longer employed by or entitled to receive income from you, and of his last known address and the name and address of his new employer, if known.

You shall deliver the withheld earnings to the clerk of the court that issued this order at each regular pay interval, but the first delivery shall occur no sooner than ten (10) days after your receipt of this order. You may combine amounts withheld from various employees for a particular entity in a pay period into a single payment for that pay period, as long as the portion thereof which is attributable to each individual employee is separately designated.

You shall deliver a copy of this order to the obligor as soon as is reasonably possible. This order has priority over any other withholding or garnishment, except for another withholding order or garnishment for child support.

If the above-named obligor is subject to two (2) or more withholding orders for child support on account of different obligees and the nonexempt portion of the obligor's earnings is not sufficient to respond fully to all the withholding orders, you shall apportion the obligor's nonexempt disposable earnings between or among the various obligees to pay current support for each obligee, and then apply any remaining nonexempt disposable earnings equally between or among the various obligees for arrears.

WHETHER OR NOT YOU OWE ANYTHING TO THE OBLIGOR, YOUR FAILURE TO ANSWER AS REQUIRED MAY MAKE YOU SUBJECT TO CONTEMPT OF COURT.

NOTICE TO OBLIGOR: YOU HAVE A RIGHT UNDER SECTION 32-1214, IDAHO CODE, TO REQUEST A HEARING BEFORE THE COURT THAT ISSUED THIS WITHHOLDING ORDER, TO REQUEST THAT THE COURT QUASH, MODIFY, OR TERMINATE THE INCOME WITHHOLDING ORDER.

DATED this ____ day of _____, 19____.

_____
Magistrate

32-1210. EMPLOYER'S DUTIES AND RESPONSIBILITIES -- FEE FOR

EMPLOYER. (1) An employer upon whom service of an income withholding order has been made pursuant to this chapter shall answer the order on forms supplied with the order within ten (10) days after the date of service. The employer shall deliver the original answer to the court, and shall mail one (1) copy to the obligee or obligee's attorney, and one (1) copy to the obligor. The answer shall state whether the obligor is employed by or receives earnings from the employer, whether the employer will honor the order, and whether there are multiple child support withholding orders or garnishments against the obligor.

(2) The employer shall deliver a copy of the income withholding order to the obligor as soon as is reasonably possible.

(3) If the employer possesses any earnings due and owing to the obligor, the earnings subject to the income withholding order shall be withheld immediately upon receipt of the income withholding order. The withheld earnings shall be delivered to the clerk of the court that issued the income withholding order at each regular pay interval, but the first delivery shall occur no sooner than ten (10) days after receipt of the order.

(4) The employer shall continue to withhold the ordered amounts from nonexempt earnings of the obligor until notified by the court that the income withholding order has been modified or terminated. The employer shall promptly notify the court when the employee is no longer employed, and of the employee's last known address, and the name and address of his new employer, if known.

(5) The employer may deduct a processing fee, not to exceed five dollars ($5.00), to cover the costs of each withholding. Such fee is to be withheld from the obligor's income in addition to the amount to be withheld to satisfy the withholding order, but the total amount withheld, including the fee, shall not exceed fifty percent (50%) of the obligor's disposable income.

(6) The employer may combine amounts withheld from various employees for a particular entity in a pay period into a single payment for that pay period, as long as the portion thereof which is attributable to each individual employee is separately designated.

(7) An employer may not discharge, discipline, or refuse to employ an obligor on the basis of an income withholding order issued under this chapter. If an employer discharges, disciplines, or refuses to employ an obligor because of an income withholding obligation, the obligor shall have a cause of action against the employer. The employer shall be liable for double the amount of lost wages and other damages suffered as a result of the violation and for costs and reasonable attorney fees, and shall be subject to a civil penalty of not more than one thousand dollars ($1,000) for each violation. In addition, the employer may also be ordered to hire, rehire, or reinstate the aggrieved obligor.

(8) An order for income withholding for support entered under this chapter shall have priority over any other wage assignment or garnishment, except for another wage assignment, income withholding order, or garnishment for child support.

(9) No employer who complies with an income withholding order issued under this chapter may be liable to the employee for wrongful withholding.

32-1211. FORM FOR EMPLOYER'S ANSWER. The answer of the employer shall be made on forms supplied by the bureau and served on the employer with the income withholding order, substantially as follows:

IN THE DISTRICT COURT OF THE _____ JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF _____

_____, Obligee,	Case No. _____
vs.	ANSWER TO CHILD SUPPORT INCOME WITHHOLDING ORDER
_____, SS# _____, Obligor, _____, Employer.	

1. At the time of the service of the income withholding order on the employer, was the above-named obligor employed by or entitled to receive income or earnings, including present or future payments pursuant to an annuity, pension, retirement, disability policy or insurance program?

Ans. Yes:_____ No:_____ (check one).

2. If the answer to question one is yes and the employer cannot comply with the income withholding order, provide an explanation:

3. If the obligor is no longer employed by or entitled to receive said income or earnings from employer, list obligor's last known address, and name and address of current employer, if known:

4. Are there any other attachments, garnishments, or withholding orders for child support currently in effect against the obligor?

Ans. Yes:_____ No:_____ (check one).

I declare under penalty of perjury under the laws of the state of Idaho that the foregoing is true and correct.

_____
Signature of employer

_____
Date and place

_____
Signature of person answering for employer

Address for future notice to employer:_____
_____
_____

_____
Connection with employer

32-1212. SERVICE OF INCOME WITHHOLDING ORDER. (1) The following items and documents shall be served on the employer personally or by any form of mail requiring a return receipt:

(a) Two (2) conformed copies of the income withholding order, one (1) of which is for the employer, and one (1) for the obligor;

(b) Four (4) answer forms in substantial compliance with section 32-1211, Idaho Code;

(c) Three (3) stamped envelopes provided by the obligee and addressed to, respectively, the clerk of the court where the order was issued, the obligee's attorney or the obligee, and the obligor.

(2) On or before the date of service of the income withholding order on the employer, the obligee shall mail or cause to be mailed by certified mail a copy of the income withholding order to the obligor at the obligor's last known post office address.

32-1213. OBLIGEE SHALL INFORM COURT OF CHANGE OF ADDRESS. The obligee shall provide written notification to the court that issued the mandatory income withholding order of any change of obligee's address within a reasonable period of time after any such change. Failure to provide the clerk with a forwarding address within three (3) months of a change of address shall result in the termination of the withholding order, as provided in section 32-1214(3), Idaho Code.

32-1214. TERMINATION OR MODIFICATION OF WITHHOLDING ORDER. (1) Termination or modification upon obligor's request: An obligor whose income is subject to withholding under this chapter may request a hearing to quash, modify, or terminate the withholding, by filing a motion requesting such relief before the court which issued the income withholding order. A copy of the motion and a notice of hearing shall be served upon the obligee at least five (5) days before the date set for hearing, by personal service or certified mail, pursuant to the Idaho rules of civil procedure.

(a) In a hearing to quash, modify, or terminate the income withholding order, the court may grant relief only upon a showing by the obligor that there is a substantial probability that the obligor would suffer irreparable injury and that the obligee would not suffer irreparable injury. Satisfaction by the obligor of all past due payments subsequent to the issuance of the income withholding order is not grounds to quash, modify, or terminate the income withholding order.

(b) If an income withholding order has been in operation for twelve (12) consecutive months and the obligor's support obligation is current, the court may terminate the order upon motion of the obligor, unless the obligee can show good cause as to why the income withholding order should remain in effect.

(c) No order to quash, modify, or terminate an income withholding order shall be issued unless the obligor provides proof to the court that the obligee has been served with a copy of the motion and notice for hearing five (5) days prior to the hearing, or that service is impossible because the obligee has moved and failed to provide the court with a current address, as required by section 32-1213, Idaho Code.

(2) Termination or modification upon obligee's request: Notwithstanding the provisions of subsection (1) of this section, the court shall quash, modify or terminate a withholding order issued by the court upon written request therefor by the obligee, unless the court finds that the requested action would not be in the best interests of the dependent child.

(3) Termination by court: If the clerk is unable to deliver payments under the withholding order for a period of three (3) months due to the failure of the obligee to notify the clerk of a change of address, the court shall terminate the withholding order, and shall mail a copy of the termination order to the employer and to the obligor. The court shall return all undeliverable payments to the obligor.

SECTION 2. That Section 10-1302, Idaho Code, be, and the same is hereby amended to read as follows:

10-1302. FILING OF FOREIGN JUDGMENT WITH CLERK OF DISTRICT COURT -- EFFECT OF FILING. A copy of any foreign judgment authenticated in accordance with the act of congress or the statutes of this state may be filed in the office of the clerk of any district court of any county of this state. The clerk shall treat the foreign judgment in the same manner as a judgment of the district court of this state. A judgment so filed has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of a district court of this state and may be enforced or satisfied in like manner~~.~~ , with the following exceptions:

(1) The terms of a judgment providing for the custody of a minor child may not be modified, vacated, reopened nor stayed unless the court has assumed jurisdiction of the case under the uniform child custody jurisdiction act, chapter 11, title 32, Idaho Code.

(2) The terms of a judgment providing for the support of a minor child may not be modified, vacated, reopened nor stayed unless the court has personal jurisdiction over all the parties; and the registration of a judgment providing for the support of a minor child for the purposes of enforcing that judgment shall not constitute submitting to the personal jurisdiction of the court.

SECTION 3. That Section 56-203C, Idaho Code, be, and the same is hereby amended to read as follows:

56-203C. POWERS OF DEPARTMENT. In order to carry out its responsibilities imposed under this chapter, the state department of health and welfare, through the attorney general or the respective county prosecuting attorney, or through private counsel is hereby authorized to:

(1) Represent a dependent child or dependent children on whose behalf public assistance is being provided in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(2) Appear as a friend of the court in divorce or separate maintenance suits, or proceedings supplemental thereto, when either or both of the parties thereto are receiving public assistance, for the purpose of advising the court as to the financial interest of the state of Idaho therein.

(3) Appear on behalf of the custodial parent of a dependent child or children on whose behalf public assistance is being provided, when so requested by such parent, for the purpose of assisting such parent in securing a modification of a divorce or separate maintenance decree

wherein no support, or inadequate support, was given for such child or children. If the parent does not request such assistance, or refuses it when offered, the attorney general or prosecuting attorney may nevertheless appear as a friend of the court at any supplemental proceeding, and may advise the court of such facts as will show the financial interest of the state of Idaho therein; but the attorney general or prosecuting attorney shall not otherwise participate in the proceeding.

(4) If public assistance has been applied for or granted on behalf of a child of parents who are divorced or legally separated, the attorney general or prosecuting attorney may apply to the district court in such action for an order directing either parent or both to show cause:

(a) Why an order of support for the child should not be entered, or

(b) Why the amount of support previously ordered should not be increased, or

(c) Why the parent should not be held in contempt for his failure to comply with any order of support previously entered.

(5) Initiate any civil proceedings deemed necessary by the department to secure reimbursement from the parent or parents of minor dependent children for all moneys expended by the state in providing assistance or services to said children.

(6) When requested by the department, appear on behalf of a minor child or its custodial parent, who are not recipients of public assistance, in obtaining any support order necessary to provide for his or their needs or to enforce any such order previously entered.

(7) Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

SECTION 4. That Section 32-706, Idaho Code, be, and the same is hereby amended to read as follows:

32-706. CHILD SUPPORT. A. In a proceeding for divorce or child support, the court may order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for his or her support, without regard to marital misconduct, after considering all relevant factors which may include:

1. The financial resources of the child;

2. The financial resources, needs, and obligations of both the custodial and noncustodial parents;

3. The standard of living the child enjoyed during the marriage;

4. The physical and emotional condition and needs of the child and his or her educational needs;

5. The availability of medical coverage for the child at reasonable cost.

B. Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

SECTION 5. That Section 32-710A, Idaho Code, be, and the same is hereby amended to read as follows:

32-710A. SUPPORT PAYMENTS PAID TO CLERK -- PROSECUTING ATTORNEY TO ENFORCE PAYMENTS. All payments for child support ordered pursuant to any decree of divorce or separate maintenance shall be paid to the clerk of the district court which entered the decree requiring the same, unless otherwise ordered by said court, and said clerk shall keep a record of payments made under said decree and shall transmit said payments to the person or persons entitled thereto by virtue of said decree. Said clerk shall notify the prosecuting attorney of the county in which the decree is entered of any failure to comply with the terms of payments specified by any such decree, and said prosecuting attorney shall be responsible for enforcing said decree as follows:

A. If the person required to pay resides in the county in which the decree was entered, the prosecuting attorney shall institute appropriate action to enforce the decree.

B. If the person required to pay resides outside the state, the prosecuting attorney shall institute proceedings through the Uniform Reciprocal Enforcement of Support Act.

C. If the person required to pay resides in some other county in the state, the prosecuting attorney shall make such showing to the district court which entered the decree and upon order of the court shall forward two (2) certified copies of the decree with all modifications together with two (2) certified copies of the payment record to the clerk of the district court of the county in which the person required to pay resides. Said clerk shall file and docket one (1) copy of the decree and payment record without fee and deliver the other

copies to the prosecuting attorney of that county who shall institute appropriate action to enforce the decree.

Upon the filing and docketing of the certified copies of the decree and payment record, said decree shall be enforced, and may be modified as to the amount of payment required, by the district court in that county as if originally entered in that county. The procedure for the enforcement or modification of said decree as to amount of payment shall be the same as in the case of a decree originally entered in that court, including the power to punish the person required to pay for contempt. Any payments made as a result of proceedings in that court shall be made through the clerk of that court and the clerk shall keep a record of such payments and shall transmit said payments to the person or persons entitled thereto by virtue of said decree.

If the district court in a county other than the county in which the decree is entered modifies the decree as to the amount of payment required, the clerk of that court shall send a certified copy of the order modifying the decree to the clerk of the court in the county in which the decree was originally entered and the latter clerk shall file the same in the action in which the original decree was entered.

If the person required to pay changes his residence from any county to which certified copies of the decree and payment record have been forwarded as herein provided, and the prosecuting attorney of that county discovers that the defendant resides in another county of this state, the prosecuting attorney shall make such showing to the district court and upon order of the court shall forward the entire file to the clerk of the district court of the county where the defendant resides, where the same proceedings shall be had for enforcement or modification as herein provided.

Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

SECTION 6. That Section 7-1121, Idaho Code, be, and the same is hereby amended to read as follows:

7-1121. ORDER FOR SUPPORT -- CONTINUANCE BEYOND AGE OF 18 -- OTHER PAYMENTS BY FATHER. In a proceeding in which the court has made an order of filiation, the court shall direct a father possessed of sufficient means or able to earn such means to pay monthly or at other

fixed periods a fair and reasonable sum for the support and education of the child until the child is eighteen (18) years of age. If the child continues his formal education subsequent to reaching the age of eighteen (18) years, the court may, in its discretion, order the continuation of support payments until the child discontinues his education or reaches the age of twenty-one (21) years, whichever is sooner.

The order of filiation may direct the father to pay or reimburse amounts paid for the support of the child prior to the date of the order of filiation and may also direct him to pay or reimburse amounts paid for: (1) the funeral expenses if the child has died; (2) the necessary expenses incurred by or for the mother in connection with her confinement and recovery; and (3) such expenses in connection with the pregnancy of the mother as the court may deem proper.

Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

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

7-1071. ORDER OF SUPPORT. If the responding court finds a duty of support it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. The court and prosecuting attorney or legal counsel for the department of health and welfare of any county where the obligor is present or has property have the same powers and duties to enforce the order as have those of the county where it was first issued. If enforcement is impossible or cannot be completed in the county where the order was issued, the prosecuting attorney or legal counsel for the department of health and welfare shall transmit a certified copy of the order and the payment record to the county where it appears that procedures to enforce payment of the amount due would be effective. The clerk and prosecuting attorney or counsel for the department of health and welfare to whom the certified copies of the order and payment record are forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order and to the initiating jurisdiction.

Support orders made pursuant to this act shall require that payments be made to the clerk of the court of the responding state if the

obligee is not receiving child support enforcement services under Title IV-D of the Social Security Act; or to the department of health and welfare if the obligee is receiving child support enforcement services under Title IV-D of the Social Security Act. Upon receipt of a payment made by respondent, the clerk of the court or department of health and welfare shall immediately transmit the same to the initiating jurisdiction.

Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

SECTION 8. That Section 16-1622, Idaho Code, be, and the same is hereby amended to read as follows:

16-1622. SUPPORT OF COMMITTED CHILD. Whenever legal custody of a child is vested in someone other than his parents, after due notice to the parent, guardian or other persons legally obligated to care for and support the child, and after a hearing, the court may order and decree that the parent or other legally obligated person shall pay in such a manner as the court may direct a reasonable sum that will cover in whole or in part the support and treatment of the child after an order of temporary custody, if any, or the decree is entered. If the parent or other legally obligated person willfully fails or refuses to pay such sum, the court may proceed against him for contempt, or the order may be filed and shall have the effect of a civil judgment.

Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

SECTION 9. That Section 16-1815, Idaho Code, be, and the same is hereby amended to read as follows:

16-1815. SUPPORT OF CHILD -- REIMBURSEMENT FOR COSTS INCURRED. 1. When a child is placed by the court in custody other than that of his or her parents, guardian or custodian, the court shall order the payment of child support on a regular monthly basis for support of the child.

2. When a child is given medical, psychological or other necessary treatment as ordered by the court, the court shall order reimbursement for costs incurred by such court-ordered treatment.

3. When a child is committed to the department under this act, the cost of support, treatment or care shall create a debt due and owing to the department in an amount equal to the amount expended unless there has been entered a court order for support.

4. Any child support or reimbursement order shall be entered only upon notice and hearing to the parent. Failure or refusal to pay such court-ordered support and reimbursement may result in contempt sanctions.

5. Any child support order issued or modified under this section after July 1, 1986, shall contain a provision allowing the obligee to enforce the order by income withholding if arrearages at least equal to the support payable for one (1) month accumulate under the order; and shall include the notice required in section 32-1205, Idaho Code, advising the obligor that the obligee can seek enforcement of the order by means of a mandatory income withholding order issued pursuant to this chapter without further notice to the obligor whenever there are arrearages at least equal to the support payment for one (1) month.

Failure to include this provision does not affect the validity of the support order. If the social security number of the person obligated to make child support payments under the support order or decree is available, the court shall require that the social security number of the obligor be included in the order or decree.

Approved April 3, 1986.

CHAPTER 223
(H.B. No. 708)

AN ACT

RELATING TO THE DAYS AND HOURS OF THE SALE OF LIQUOR BY THE DRINK; AMENDING SECTION 23-927, IDAHO CODE, TO PROVIDE A COUNTY OPTION FOR EXTENDING THE HOURS OF SALE AND PERMITTING SUNDAY SALES OF LIQUOR BY THE DRINK.

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

SECTION 1. That Section 23-927, Idaho Code, be, and the same is

hereby amended to read as follows:

23-927. HOURS OF SALE OF LIQUOR. (1) No liquor shall be sold, offered for sale, or given away upon any licensed premises, and all liquor not in sealed bottles must be locked in a separate room or cabinet during the following hours:

a. Sunday, Memorial Day, Thanksgiving and Christmas from 1 o'clock A.M., to 10 o'clock A.M. the following day; provided however, that on any Sunday not otherwise being a prescribed holiday, it shall be lawful for a licensee having banquet area or meeting room facilities, separate and apart from the usual dispensing area (bar room) and separate and apart from a normal public dining room unless such dining room is closed to the public, to therein dispense liquor between the hours of 2 o'clock P.M. and 11 o'clock P.M. to bona fide participants of banquets, receptions or conventions for consumption only within the confines of such banquet area or meeting room facility.

b. On any other day between 1 o'clock A.M. and 10 o'clock A.M.

c. On any day of a general or primary election until after the time when the polls are closed.

d. When any city or county has any ordinance further limiting the hours of sale of liquor, by the drink, then such hours shall be fixed by such ordinance.

(2) A county may, however, by ordinance, allow the sale of liquor by the drink on a Sunday, Memorial Day and Thanksgiving, and may also extend until 2 o'clock A.M. the hours of the sale of liquor by the drink.

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

(~~3~~4) Any person who consumes or intentionally permits the consumption of any alcoholic beverage upon licensed premises after the time provided for in subsection (~~2~~3) shall be guilty of a misdemeanor.

(~~4~~5) It shall be the duty of every person who is employed at or upon a licensed premises or who owns or manages a licensed premises and is present upon the licensed premises during the hours and at the time set forth in subsection (1) of this section to lock up and keep locked up in a locked room or locked cabinet all unsealed containers of liquor during the hours and at the times set forth in subsection (1) of this section, and any such person who fails to perform the duty provided herein shall be guilty of a misdemeanor.

Approved April 3, 1986.

CHAPTER 224
(H.B. No. 721)

AN ACT

RELATING TO EXEMPTIONS FROM THE SALES AND USE TAX; AMENDING SECTION

63-3640A, IDAHO CODE, AS ENACTED BY HOUSE BILL NO. 698, SECOND REGULAR SESSION, FORTY-EIGHTH IDAHO LEGISLATURE, TO EXEMPT CERTAIN TANGIBLE PERSONAL PROPERTY FROM THE INCREASED SALES AND USE TAX; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 63-3640A, Idaho Code, as enacted by House Bill No. 698, Second Regular Session, Forty-eighth Idaho Legislature, be, and the same is hereby amended to read as follows:

63-3640A. CONTRACTS ENTERED INTO BEFORE EFFECTIVE DATE OF INCREASED TAX. (1) Commencing April 1, 1986, and ending June 30, 1987, 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 one cent ($.01) of the taxes imposed by sections 63-3619 and 63-3621, Idaho Code, if:

(a) The tangible personal property is purchased, used, stored or otherwise consumed for incorporation into real property <u>or is tangible personal property purchased pursuant to a written purchase order entered into prior to March 1, 1986, for the purchase of furniture, fixtures and equipment that are a part of a completed project and delivered before June 30, 1987</u>; 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 March 31, 1986, or was submitted for bid or bid in written form on or before March 31, 1986, and subsequently became a written contract; and

(c) Was negotiated or bid based upon the sales or use tax being four percent (4%); 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 one cent ($.01) of the tax imposed by sections 63-3619 and 63-3621, Idaho Code, if it has actually been paid by him. 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 one cent ($.01) of the tax imposed by sections 63-3619 and 63-3621, 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 April 1, 1986.

Approved April 3, 1986.

CHAPTER 225
(H.B. No. 723)

AN ACT

RELATING TO TAX CREDITS; PROVIDING THAT THE STATE TAX COMMISSION IS AUTHORIZED TO ALLOW A TAX CREDIT TO SALES TAX PERMITTEES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. The state tax commission is authorized to allow a credit to sales tax permittees for converting cash registers and similar devices to accept new sales tax schedules required by the provisions of House Bill No. 698, Second Regular Session, Forty-eighth Idaho Legislature. The amount of the credit shall be the actual amount of costs incurred by the permittee in making the conversion, but shall not exceed fifty dollars ($50.00) per machine. The credit shall not be allowed if the payment is made to the person who makes the conversion if he is an owner, officer, partner, stockholder, or employee of the permittee. Proof of costs incurred must accompany the claim for credit. In order to be allowed, the credit must be claimed on the first sales tax return filed by the permittee after April 1, 1986.

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 April 1, 1986.

Approved April 3, 1986.

CHAPTER 226
(H.B. No. 729)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LAW ENFORCEMENT FOR FISCAL YEAR 1987, AND DESIGNATING PROGRAM LIMITS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF LAW ENFORCEMENT.

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 amount for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$ 5,424,100
Idaho Law Enforcement Telecommunications Account	173,700
Idaho Law Enforcement Drug Donation Account	30,000
Idaho Law Enforcement Account	7,578,400
Idaho State Horse Racing Commission Account	236,100
State Brand Board Account	1,288,500
Small Track Fund Account	60,000
Breeder Fund Account	60,000
Interagency Billing and Receipts Account	56,300
Peace Officers Account	667,800
Federal Motor Carrier Safety Account	438,300
TOTAL	$16,013,200

SECTION 2. There is hereby appropriated to the Department of Law

Enforcement the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

I. CENTRAL ADMINISTRATION:	
FROM:	
General Account	$1,142,900
II. POLICE SERVICES:	
FROM:	
General Account	$3,530,200
Idaho Law Enforcement Telecommunications Account	173,700
Idaho Law Enforcement Drug Donation Account	30,000
Interagency Billing and Receipts Account	56,300
TOTAL	$3,790,200
III. IDAHO STATE POLICE DIVISION:	
FROM:	
General Account	$ 150,000
Idaho Law Enforcement Account	7,578,400
Federal Motor Carrier Safety Account	438,300
TOTAL	$8,166,700
IV. BRAND INSPECTION:	
FROM:	
State Brand Board Account	$1,288,500
V. HORSE RACING COMMISSION:	
FROM:	
Idaho State Horse Racing Commission Account	$236,100
Small Track Fund Account	60,000
Breeder Fund Account	60,000
TOTAL	$356,100
VI. ALCOHOL BEVERAGE CONTROL:	
FROM:	
General Account	$601,000
VII. POST ACADEMY:	
FROM:	
Peace Officers Account	$667,800
GRAND TOTAL	$16,013,200

SECTION 3. There is hereby reappropriated to the Department of Law Enforcement, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 2, Chapter 268, Laws of 1985, to be used for nonrecurring expenditures only, for fiscal year 1987.

Approved April 3, 1986.

CHAPTER 227
(H.B. No. 732)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION FOR FISCAL YEAR 1987; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO

THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION.

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

SECTION 1. It is legislative intent that the expenditures for the State Board of Education for Vocational Education not exceed the following amount for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$15,771,400
Carl Perkins Vocational Education Act Account	3,918,800
Interagency Billing and Receipts Account	130,000
Displaced Homemaker Account	147,000
State Council on Vocational Education Account	116,300
TOTAL	$20,083,500

It is further legislative intent that, beginning July 1, 1986, the Division of Vocational Education shall increase the apportionment to North Idaho College and the College of Southern Idaho to provide funds for the employer's share of social security tax (F.I.C.A.) for vocational education employees.

SECTION 2. 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, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION AND SUPERVISION:					
FROM:					
General Account	$ 839,700	$ 191,800			$ 1,031,500
Carl Perkins Vocational Education Act Account	142,400	119,700			262,100
TOTAL	$ 982,100	$ 311,500			$ 1,293,600
B. GENERAL PROGRAMS:					
FROM:					
General Account	$ 369,100	$ 60,100	$ 7,200	$1,788,600	$ 2,225,000
Carl Perkins Vocational Education Act Account				3,180,800	3,180,800
TOTAL	$ 369,100	$ 60,100	$ 7,200	$4,969,400	$ 5,405,800
C. POST-SECONDARY PROGRAMS:					
FROM:					
General Account	$10,458,000	$1,505,900	$551,000		$12,514,900
Carl Perkins Vocational Education Act Account	180,000				180,000
Interagency Billing and Receipts Account		130,000			130,000
TOTAL	$10,638,000	$1,635,900	$551,000		$12,824,900

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
D. DISPLACED HOMEMAKER PROGRAM:					
FROM:					
Displaced Homemaker Account		$ 5,000		$ 142,000	$ 147,00(
Carl Perkins Vocational Education Act Account				295,900	295,90(
TOTAL		$ 5,000		$ 437,900	$ 442,90(
E. IDAHO STATE COUNCIL ON VOCATIONAL EDUCATION:					
FROM:					
State Council on Vocational Education Account	$ 62,200	$ 54,100			$ 116,30(
GRAND TOTAL	$12,051,400	$2,066,600	$558,200	$5,407,300	$20,083,50(

SECTION 3. 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 246, Laws of 1985, to be used for nonrecurring expenditures in the post-secondary programs, for fiscal year 1987.

Approved April 3, 1986.

CHAPTER 228
(H.B. No. 743)

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 1987; APPROPRIATING MONEYS TO THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1987; EXPRESSING LEGISLATIVE INTENT; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE LEGISLATIVE COUNCIL; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE.

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

SECTION 1. There is hereby appropriated to the Legislative Council the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$607,500
Interagency Billing and Receipts Account	42,000
TOTAL	$649,500

SECTION 2. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$ 900,200
Interagency Billing and Receipts Account	513,300
TOTAL	$1,413,500

SECTION 3. It is legislative intent that the appropriation made in Section 2 of this act be expended for the designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. LEGISLATIVE AUDITOR:	
FROM:	
General Account	$ 500,400
Interagency Billing and Receipts Account	513,300
TOTAL	$1,013,700
B. LEGISLATIVE BUDGET OFFICE:	
FROM:	
General Account	$ 379,200
C. JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE:	
FROM:	
General Account	$ 20,600
GRAND TOTAL	$1,413,500

SECTION 4. There is hereby reappropriated to the Legislative Council any unexpended and unencumbered balances of the General Account appropriated by Section 1, Chapter 164, Laws of 1985, for the period July 1, 1986, through June 30, 1987, for nonrecurring expenditures.

SECTION 5. There is hereby reappropriated to the Joint Senate Finance-House Appropriations Committee any unexpended and unencumbered balances of the General Account appropriated by Section 2, Chapter 164, Laws of 1985, as designated in Section 3 for the Legislative Auditor, Legislative Budget Office, and the Joint Senate Finance-House Appropriations Committee, for the period July 1, 1986, through June 30, 1987, for nonrecurring expenditures.

Approved April 3, 1986.

CHAPTER 229
(H.B. No. 756)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 1987, DESIGNATING PROGRAM LIMITS; PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO PURCHASING SERVICES FROM REHABILITATION FACILITIES; EXPRESSING

LEGISLATIVE INTENT WITH REGARD TO AUTHORIZED OR MANDATED SERVICES; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF HEALTH AND WELFARE.

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

SECTION 1. It is legislative intent that the appropriation for the Department of Health and Welfare not exceed the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:

General Account	$ 71,709,500
Cooperative Welfare Account	140,572,900
Alcoholism Treatment Account	2,109,300
Cancer Control Account	375,000
Central Tumor Registry Account	100,000
Emergency Medical Services Account	495,600
Medical Assistance Account	18,500
Liquor Account	650,000
Water Pollution Control Account	8,158,700
Idaho Veterans Home Income Account	231,800
State Hospital North Income Account	376,000
State Hospital South Income Account	570,000
Hazardous Waste Management Account	370,900
Quarters for Clean Air Account	600
State Agricultural Smoke Management Account	8,000
State Youth Training Center Income Account	370,800
GRAND TOTAL	$226,117,600

SECTION 2. There is hereby appropriated to the Department of Health and Welfare, the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. PHYSICAL HEALTH SERVICES:

FROM:

General Account	$ 2,009,800
Cooperative Welfare Account	14,378,600
Cancer Control Account	375,000
Central Tumor Registry Account	100,000
TOTAL	$ 16,863,400

B. EMERGENCY MEDICAL SERVICES:

FROM:

General Account	$ 345,300
Emergency Medical Services Account	495,600
Cooperative Welfare Account	190,000
TOTAL	$ 1,030,900

C. LABORATORY SERVICES:

FROM:

General Account	$ 1,587,600
Cooperative Welfare Account	613,600
Hazardous Waste Monitoring Account	86,000
TOTAL	$ 2,287,200

D. SUBSTANCE ABUSE SERVICES:	
FROM:	
Alcoholism Treatment Account	$ 1,793,000
Cooperative Welfare Account	878,200
TOTAL	$ 2,671,200
E. ELIGIBILITY SERVICES:	
FROM:	
General Account	$ 5,184,000
Cooperative Welfare Account	6,191,800
TOTAL	$ 11,375,800
F. MEDICAL ASSISTANCE PAYMENTS:	
FROM:	
General Account	$ 20,227,800
Medical Assistance Account	15,000
Liquor Account	650,000
Cooperative Welfare Account	47,753,300
TOTAL	$ 68,646,100
G. ADULT AND A.D.C. ASSISTANCE PAYMENTS:	
FROM:	
General Account	$ 9,656,200
Cooperative Welfare Account	25,889,900
TOTAL	$ 35,546,100
H. SOCIAL SERVICES:	
FROM:	
General Account	$ 3,483,700
Cooperative Welfare Account	20,285,400
TOTAL	$ 23,769,100
I. AIR QUALITY:	
FROM:	
General Account	$ 182,200
Cooperative Welfare Account	551,000
Quarters for Clean Air Account	600
State Agricultural Smoke Management Account	8,000
TOTAL	$ 741,800
J. WATER QUALITY AND HAZARDOUS MATERIALS:	
FROM:	
General Account	$ 1,191,600
Cooperative Welfare Account	2,428,400
Water Pollution Control Account	8,158,700
Hazardous Waste Management Account	284,900
TOTAL	$ 12,063,600
K. VETERANS SERVICES:	
FROM:	
General Account	$ 446,500
Cooperative Welfare Account	1,946,600
Idaho Veterans Home Income Account	231,800
TOTAL	$ 2,624,900
L. INDIRECT SUPPORT SERVICES:	
FROM:	
General Account	$ 3,488,500
Cooperative Welfare Account	2,755,700
TOTAL	$ 6,244,200

M. COMMUNITY MENTAL HEALTH SERVICES:	
FROM:	
General Account	$ 4,356,800
Cooperative Welfare Account	2,169,500
TOTAL	$ 6,526,300
N. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL NORTH:	
FROM:	
General Account	$ 1,564,100
Cooperative Welfare Account	525,200
Alcoholism Treatment Account	316,300
State Hospital North Income Account	376,000
TOTAL	$ 2,781,600
O. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL SOUTH:	
FROM:	
General Account	$ 5,526,400
Cooperative Welfare Account	1,065,100
State Hospital South Income Account	570,000
TOTAL	$ 7,161,500
P. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:	
FROM:	
General Account	$ 4,843,400
Cooperative Welfare Account	3,312,400
TOTAL	$ 8,155,800
Q. INSTITUTIONAL DEVELOPMENTAL DISABILITY SERVICES:	
FROM:	
General Account	$ 4,306,300
Medical Assistance Account	3,500
Cooperative Welfare Account	9,402,200
TOTAL	$ 13,712,000
R. STATE YOUTH SERVICES CENTER:	
FROM:	
General Account	$ 3,309,300
Cooperative Welfare Account	236,000
State Youth Training Center Income Account	370,800
TOTAL	$ 3,916,100
GRAND TOTAL	$226,117,600

SECTION 3. 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.

SECTION 4. It is legislative intent that $1,898,000 of the moneys appropriated in the Community Developmental Disabilities Services Program be expended to purchase services from rehabilitation facilities, commonly known as sheltered workshops, but should appropriations from the state's General Account, or from other sources, be reduced during fiscal year 1987, the Department of Health and Welfare shall take such action as necessary to protect the appropriation for the rehabilitation facilities from any reduction that exceeds the same percent

reduction applied to any other appropriation made to the Department.

SECTION 5. Notwithstanding any other provision of law, it is hereby declared to be the intent of the Legislature that the Department of Health and Welfare shall be required to provide those services authorized or mandated by law in each program, only to the extent of funding and available resources appropriated for that program by this act.

SECTION 6. There is hereby reappropriated to the Department of Health and Welfare, any unexpended and unencumbered balances of the Cooperative Welfare Account moneys appropriated by Section 2, Chapter 70, Laws of 1985; Section 1, Chapter 71, Laws of 1985; Section 1, Chapter 94, Laws of 1985; Section 1, Chapter 95, Laws of 1985; Section 2, Chapter 110, Laws of 1985; and Section 2, Chapter 130, Laws of 1985, to be used for nonrecurring expenditures only, for the period July 1, 1986, through June 30, 1987.

Approved April 3, 1986.

CHAPTER 230
(H.B. No. 691, As Amended)

AN ACT

RELATING TO THE ADJUDICATION OF WATER RIGHTS; AMENDING SECTION 42-1405, IDAHO CODE, TO PROVIDE WHEN A SUPPLEMENTAL ADJUDICATION SHALL BE AVAILABLE AND TO REVISE PROCEDURES FOR A SUPPLEMENTAL ADJUDICATION; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1408A, IDAHO CODE, TO PROVIDE THE PROCEDURE FOR SERVICE OF THE NOTICE OF ORDER COMMENCING A GENERAL ADJUDICATION; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1418, IDAHO CODE, TO PROVIDE FOR APPEALS IN ADJUDICATION PROCEEDINGS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1420, IDAHO CODE, TO PROVIDE THE EFFECT OF A DECREE ON ALL PERSONS INCLUDING ALL UNKNOWN PARTIES AND ON PERSONS WITH UNPERFECTED WATER RIGHTS; AND AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1422, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT, POWERS AND DUTIES, COMPENSATION AND DISQUALIFICATION OF A SPECIAL MASTER AND TO PROVIDE THE PROCEDURES FOR REVIEW OF THE SPECIAL MASTER'S REPORT.

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

SECTION 1. That Section 42-1405, Idaho Code, be, and the same is hereby amended to read as follows:

42-1405. SUMMARY SUPPLEMENTAL ADJUDICATION OF WATER RIGHTS. (1) Where an adjudication of a water system ~~as defined in section 42-1401, Idaho Code,~~ has been ~~adjudicated~~ commenced prior to July 1, 1986, or

where an adjudication of a water system has been commenced pursuant to subsection (3) of section 42-140~~1~~4, Idaho Code, ~~by~~ resulting in a decree of any court of competent jurisdiction, and thereafter it ~~shall~~ appears that any claimant having the right to the use of any part of those waters was not included in the decree as a party ~~thereto~~, and the right was not determined thereby, or that a claimant subsequent to the decree has acquired any right to the use of those waters, the claimant~~,~~ may bring an action to have such right adjudicated in the ~~following~~ manner specified in subsection (3) of this section.

(2) Where a general adjudication of a water system has been commenced or enlarged after July 1, 1986, pursuant to sections 42-1406 or 42-1406A, Idaho Code, resulting in a decree of any court of competent jurisdiction, and thereafter, it appears that a claimant subsequent to the decree has acquired any right to the use of those waters, or that a claimant who possesses a water right designated in paragraphs (a) through (d) of subsection (1) of section 42-1420, Idaho Code, did not have those water rights determined, the claimant may bring an action to have those water rights adjudicated in the manner specified in subsection (3) of this section.

(3) The following procedure shall be used for any supplemental adjudication:

(a) Claimant may bring an action in the district court of the county wherein the point of diversion or place of use of the claimed right is located against the watermaster having charge of the distribution of the water source in which ~~said--party--claims~~ the claimant asserts an interest, or if there be no watermaster thereof, then against the director ~~of--the--department--of--water resources~~, provided that if the action is brought against the watermaster notice thereof shall be mailed by certified mail by the filing party to the director ~~of-the-Idaho-department-of-water resources~~, at the time of service upon the watermaster; and

(b) The claimant shall, in his complaint, ~~set-out-his--own--right and--he-shall-further~~ set forth his acceptance as binding upon him of all prior applicable decrees and the findings of fact and conclusions of law upon which they are based, shall request the commencement of a supplemental adjudication and shall set forth the claimed water right in a notice of claim form furnished by the director and attached to the complaint. Thereupon, the district court shall issue a summons ~~shall-issue-out-of-said-court-in--said cause~~ and it shall be served upon ~~said~~ the defendant; and

(c) After return of service of summons, the claimant ~~in-said action~~ shall cause to be published once a week for not less than three (3) weeks, a notice of the pendency and purpose of ~~said~~ the action in such newspaper or newspapers as the judge of ~~said~~ the district court may order, which notice shall contain the title of the court and the cause, the name and post-office address of the plaintiff, the date of priority of the water right claimed, the source of the water supply, the amount of water claimed, in general the nature of the water use, the approximate location of the point of diversion, and the place of use; and

(d) Any person ~~claiming-a-water-right-which~~ who may be injured ~~thereby,~~ and who objects to the water right claimed by the plain-

tiff, as described in the published notice, shall, within forty-five (45) days of the date of the first publication of notice, file with the district court written notice of such objection stating the reasons for the objection. A copy of the objection shall be served upon the plaintiff, the watermasters, the director ~~of-the-department-of-water-resources~~ and upon all other parties of record in the action; and

(e) The director ~~of-the-department--of--water--resources~~, within thirty (30) days after the expiration of the time fixed to file an objection with the court, shall file with the court notification as to whether the ~~department~~ director will conduct an examination of the water rights claimed in the complaint and whether the ~~department~~ director will prepare for submittal to the court a report ~~in--the--nature--of--a-proposed-finding-of-water-rights~~ as described in section 42-1411, Idaho Code, as applicable. The director may commence an examination of the water system in accordance with the provisions of section 42-1410, Idaho Code. Notification to the court that a report will be prepared shall include an approximation of the time when the report ~~could~~ will be completed, and an estimate of the director's costs ~~to--the--state~~ that will be incurred in conducting the examination and in preparing the report. Plaintiff shall then be required to advance to the ~~department--of-water-resources~~ director, the estimated costs to be incurred by the ~~department-of-water-resources~~ director in conducting the examination and in preparing the report. Prior to the filing of the report with the court, the plaintiff shall pay the balance of the ~~department's~~ director's verified costs or be refunded any unused estimated costs advanced to the ~~department~~ director. In the event that the claimant shall contest the ~~department's~~ director's costs, the court shall then determine the reasonable costs to be paid by the claimant; and

(f) ~~Upon-completion-of-the-report--by--the--department--of--water resources,--it--shall--be-filed~~ The director shall file the report with the court upon completion and shall send a copy thereof ~~shall be-sent~~ to all parties to the action. Objections to the report of the ~~department~~ director and hearing upon ~~such~~ the objections shall be in accordance with the provisions of section 42-141~~0~~2, Idaho Code; and

(g) For those cases in which the director ~~of-the-department-of water-resources~~ notifies the district court that ~~it~~ the director does not intend to prepare a report, ~~in~~ the ~~nature-of-a-proposed finding-of-water-rights,-said~~ cause may thereafter be brought on for hearing in open court, and any ~~named~~ party ~~or-any-person~~ having filed a timely objection with the court may appear and defend against ~~said--right~~ the claim; provided that the court in such a case may, upon motion and good cause shown, order the ~~department of-water-resources~~ director to prepare a report in accordance with subsections (~~1~~3)(e) and (~~1~~3)(f) hereof.

(~~2~~4) The court's ~~by-its~~ decree ~~in-said-action~~ shall determine the rights of ~~said~~ the plaintiff in accordance with the proof submitted but subject to the terms of the original decree or decrees. The decree shall contain or incorporate a statement of each element of a water

right as stated in subsections (2) and (3) of section 42-1411, Idaho Code, as applicable, except that a decree for any adjudication commenced prior to July 1, 1986, need not contain a determination of the annual volume of consumptive use. The decree shall also determine all other matters necessary for the efficient administration of the water rights. Whereupon water shall be distributed to the claimant in accordance therewith and in the same manner as though ~~he had had his said~~ the claimant's right had been included in ~~said~~ the decree or decrees.

(~~3~~5) Any party to said action~~,~~ may appeal in accordance with the Idaho appellate rules from the decree entered in the action hereby authorized to be brought.

SECTION 2. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1408A, Idaho Code, and to read as follows:

42-1408A. SERVICE OF NOTICE OF ORDER COMMENCING A GENERAL ADJUDICATION. (1) Upon entry of a district court's order commencing a general adjudication, the director shall prepare a notice of order, using plain and concise language, that contains the following information or enclosures:

(a) an order commencing a general adjudication has been entered, the date of entry of the order, and the district court that entered the order;

(b) an illustration of the boundaries of the water system to be adjudicated;

(c) that section 42-1409, Idaho Code, requires in a general adjudication all claimants, except as specifically excluded by law, to file for each water right, a notice of claim on a form furnished by the director; failure to file a required notice of claim will result in a court determination that no water right exists for the use of water for which the required notice of claim was not filed;

(d) a notice of claim is required for any water right license and for any water right permit on file for which the director requires a permit holder to file a notice of claim in accordance with section 42-1409, Idaho Code; a notice of claim may be filed for any other water right permit;

(e) a notice of claim is not required for a water right evidenced by an application on file with the department;

(f) a notice of claim, if the court order excludes any uses from an adjudication, may be filed for the excluded use prior to the filing of the director's report with the district court and the right will be determined, even though a notice of claim is not required;

(g) a notice of claim is not required for any person who receives water solely by virtue of ownership of shares of stock in, or by being located within the boundaries of, a water delivery organization, if the water delivery organization holds legal title to the water right and if the water delivery organization files a notice of claim;

(h) the date set by the director for filing a timely notice of claim, which shall not be less than ninety (90) days after service;

(i) the locations at which the notice of claim forms will be available and at which a reasonably detailed map of the boundaries of the water system will be posted;

(j) section 42-1414, Idaho Code, requires each claimant, other than those exempted by federal law, to pay a variable fee with a notice of claim; failure to pay the fee will result in rejection of the notice of claim; failure to file a timely notice of claim will result in the assessment of a late fee in the amount of fifty dollars ($50.00) or fifteen per cent (15%) of the original filing fee, whichever is greater;

(k) section 42-1409, Idaho Code, requires that all purchasers of a water right inquire of the director whether a notice of claim has been filed, and if not, to file a notice of claim, except as specifically excluded by law, and that all claimants and purchasers provide the director written notice of any change in ownership, along with some evidence of ownership or of any change in mailing address; and

(l) the files of the district court will contain affidavits of service or other documents stating the persons served with a copy of the notice of order.

(2) The director shall serve copies of the notice of order on the parties to the general adjudication as follows:

(a) the director shall serve the notice of order on the state of Idaho and the United States;

(b) the director shall serve the notice of order on claimants other than the persons in paragraph (a) of subsection (2) of this section, initially by publication once a week for three (3) consecutive weeks in a newspaper of general circulation published in each county in which any part of the water system, which is the subject of the general adjudication, is located. If there is no newspaper published within a county, then the copies shall be published in a newspaper having general circulation in that county;

(c) the director shall post the notice of order in each county courthouse, county recorder's office, and county assessor's office in which any part of the water system is located. The director shall complete the posting on or before the date of the last publication within each county;

(d) the director shall serve the notice of order by ordinary mail on each person listed as owning real property on the real property assessment roll within the boundaries of the water system to be adjudicated at the address listed on the real property assessment roll; and

(e) the director shall file a copy of the notice of order commencing a general adjudication in the office of the county recorder in each county in which any part of the water system is located; notwithstanding the provisions of section 5-505, Idaho Code, the notice, from the time it is filed with the recorder for record, is constructive notice of the contents thereof within the county in which the notice is recorded, to subsequent purchasers

and mortgagees.

(3) The director shall send the notice of order by ordinary mail to all persons who submit a written request to the director to be notified of the commencement of an adjudication. The director may circulate copies in any additional manner the director deems appropriate.

(4) Upon expiration of the period for filing notices of claims, the director shall compare the notices of claims with department records and other information reasonably available to determine whether there are any rights to water from the water system for which no notice of claim was filed. In the event the director determines that not all claimants have filed claims, the director shall make a reasonably diligent effort in accordance with the court order to determine the land to which the possible claim is appurtenant, the last known owner of that land, and the last known address of that owner. The director shall serve a notice of order on the last known owner in accordance with the court order. The notice shall contain the information specified in subsection (1) of this section, except that the notice shall state the additional period of time, in no case less than ninety (90) days from the date the notice is served, in which the notice of claim must be received by the director.

(5) The director shall file with the district court such proof of service as may be required to demonstrate compliance with the above requirements.

SECTION 3. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1418, Idaho Code, and to read as follows:

42-1418. APPEALS. An appeal may be taken to the supreme court from an order, partial decree, or decree of the district court in any adjudication proceeding as provided by rule or order of the supreme court.

SECTION 4. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1420, Idaho Code, and to read as follows:

42-1420. BINDING EFFECT OF DECREE -- EXCEPTIONS. (1) The decree entered in a general adjudication commenced under the provisions of sections 42-1406 or 42-1406A, Idaho Code, shall be binding on all persons and conclusive as to the nature and extent of the water rights of all persons, including all unknown parties, except that the following described water rights shall not be lost by failure to file a notice of claim or negotiated agreement:

(a) a water right for domestic use or stock watering use, specifically excluded from the general adjudication by court order;

(b) a water right application for permit filed under chapters 2 or 15, title 42, Idaho Code;

(c) a water right permit issued under chapters 2 or 15, title 42,

Idaho Code, unless the director required the permit holder to file a notice of claim in accordance with subsection (9) of section 42-1409, Idaho Code; and

(d) a claim to a water right under federal law, if the priority of the right claimed is later than and junior to the date of entry of the order commencing the general adjudication.

(2) The exceptions from the conclusive effect of a decree in a general adjudication stated in subsection (1) above shall not apply to any water right for which a notice of claim or negotiated agreement is filed.

SECTION 5. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1422, Idaho Code, and to read as follows:

42-1422. SPECIAL MASTER -- APPOINTMENT -- POWERS AND DUTIES -- COMPENSATION -- DISQUALIFICATION -- REVIEW OF SPECIAL MASTER'S REPORT. (1) The district court may appoint one or more special masters in any general adjudication, in accordance with the following procedures:

(a) upon the district court's own motion;

(b) upon agreement of the parties; or

(c) upon motion of any party.

(2) A special master(s) shall be appointed to determine the water right claims asserted in the general adjudication authorized in section 42-1406A, Idaho Code, upon request of a party.

(3) The district court shall specify the powers and duties of a special master in the order of reference. The compensation and disqualification of a special master shall be governed by order or rule of the supreme court.

(4) Objections to and hearing on the special master's report shall be governed by rule 53(e) of the Idaho rules of civil procedure.

Approved April 3, 1986.

CHAPTER 231

(H.B. No. 661, As Amended, As Amended in the Senate)

AN ACT

RELATING TO THE TRANSPORTATION OF HAZARDOUS WASTE AND HAZARDOUS MATERIALS; AMENDING SECTION 39-4410, IDAHO CODE, TO PROVIDE APPLICATION TO REGULATED QUANTITIES OF HAZARDOUS WASTE, TO DELETE REFERENCES TO TRIP PERMITS AND TO CHANGE NOTICE REQUIREMENTS; AMENDING SECTION 39-4417B, IDAHO CODE, TO ELIMINATE REFERENCE TO TRIP PERMITS AS A FUNDING SOURCE; AMENDING SECTION 39-4426, IDAHO CODE, TO DELETE REFERENCE TO TRIP PERMITS AND TO PROVIDE A CORRECT CITATION; AMENDING TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 25, TITLE 49, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSE, TO DEFINE TERMS, TO PROVIDE PERMIT REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS WASTES, TO

PROVIDE ENDORSEMENT REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS MATERIALS, TO PROVIDE NOTICE OF FEDERAL INSURANCE REQUIREMENTS, TO CREATE THE HAZARDOUS MATERIAL/HAZARDOUS WASTE TRANSPORTATION ENFORCEMENT ACCOUNT, TO PROVIDE PROCEDURES FOR ENFORCEMENT, TO PROVIDE FOR CIVIL ENFORCEMENT ACTIONS, TO PROVIDE FOR SUBPOENA AUTHORITY, TO PROVIDE CIVIL REMEDIES, TO PROVIDE FOR GOOD SAMARITAN ACTIONS AND TO PROVIDE IMMUNITIES, TO PROVIDE FOR CRIMINAL ENFORCEMENT AND PENALTIES, TO PROVIDE THE EFFECT OF A CHANGE OF A FEDERAL RULE OR REGULATION, AND TO PROVIDE SEVERABILITY; DECLARING AN EMERGENCY FOR CERTAIN PORTIONS OF THE ACT, PROVIDING EFFECTIVE DATES FOR OTHER PORTIONS OF THE ACT AND PRESCRIBING ACCEPTABLE ACTIVITY BY THE IDAHO TRANSPORTATION BOARD AND THE IDAHO TRANSPORTATION DEPARTMENT.

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

SECTION 1. That Section 39-4410, Idaho Code, be, and the same is hereby amended to read as follows:

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 a regulated quantity 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 quan-

tities 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.

(5) ~~The--owner--or--operator-of-a-motor-vehicle-or-trailer-transporting-on-the-highways-or-public-roads-of-this-state-hazardous--waste required--to--be--manifested-shall-be-required-to-purchase-a-hazardous waste-trip-permit.--The-permit-shall-be-issued--by--the--Idaho--transportation--department--upon--the--payment--of--a-fee-of-twenty-dollars (~~$20.00~~)-for-each-single-trip-movement-or-transit-of--the--vehicle--or trailer--between--the--point-of-origin-and-destination-as-set-forth-in the-permit.-No-permit-shall-be-required--for--transportation--of--five hundred--(~~500~~)-pounds-or-less-of-hazardous-waste-by-a-generator-twenty (~~20~~)-miles-or-less-to-an-accumulation-site-from--which--the--hazardous waste--will--ultimately--be-transported-for-final-disposal.-The-permit may-be-in-the-form-of-a-single-trip-permit-issued-pursuant-to--section 49-125A,--Idaho-Code,-but-shall-not-be-in-lieu-of-any-other-permits-or registration-required-pursuant-to-title-49,--Idaho--Code.--All--moneys collected-pursuant-to-this-section-by-the-Idaho-transportation-department--shall--be--remitted--to--the--state-treasurer-for-deposit-in-the hazardous-waste-training,-emergency-and-monitoring-account-created--in section--39-4417B,--Idaho-Code.-An-amount-of-money-equal-to-the-actual and-reasonable-cost-of-issuing-the-hazardous--waste--trip--permit--and collecting--the--moneys--pursuant--thereto--as-determined-by-the-Idaho transportation-department-and-certified-quarterly-by-the--state--auditor,-shall-be-transferred-from-the-account-to-the-Idaho-transportation department.~~

~~(6)~~ No commercial hazardous waste disposal facility or site permitted under section 39-4409, Idaho Code, shall receive regulated quantities of hazardous waste as defined by federal law from a motor vehicle or trailer unless the hazardous waste is accompanied by a proper manifest and the transporter has obtained a special trip permit from the Idaho transportation department as provided in ~~subsection (5)~~ section 49-2504, Idaho Code. If an improperly documented shipment of hazardous waste arrives at a permitted commercial hazardous waste facility or site, the owner or operator of the facility or site shall immediately notify the Idaho transportation department and the Idaho department of ~~health-and-welfare~~ law enforcement.

SECTION 2. That Section 39-4417B, Idaho Code, be, and the same is

hereby amended to read as follows:

39-4417B. HAZARDOUS WASTE TRAINING, EMERGENCY AND MONITORING ACCOUNT. (1) There is hereby created an account in the dedicated fund in the state treasury to be designated the hazardous waste training, emergency and monitoring account.

(2) The account shall consist of:

(a) Moneys appropriated to the account;

(b) Moneys as provided in sections~~--39-4410--and~~ 39-4432, Idaho Code;

(c) Donations, gifts and grants from any source; and

(d) Any other moneys which may hereafter be provided by law.

(3) Moneys in the account may be appropriated for any or all of the following purposes:

(a) Acquisition of property and equipment by the department of health and welfare to analyze, monitor, contain, collect or dispose of hazardous wastes;

(b) Employment of or contracting with necessary personnel to analyze, monitor, contain, collect or dispose of hazardous wastes; or

(c) Employment of individuals or contracting with individuals or corporations to respond throughout the state to health and environmental problems which may be caused by hazardous waste emergencies or spills, improperly packaged or handled hazardous waste or the alleviation of damages to the people and environment of the state of Idaho caused by such emergencies or spills.

(d) Taking removal or remedial action relating to hazardous wastes which the department deems necessary to prevent, minimize or mitigate damage to the public health and welfare or the environment.

SECTION 3. That Section 39-4426, Idaho Code, be, and the same is hereby amended to read as follows:

39-4426. APPOINTMENT OF HEALTH INSPECTORS. (1) The department of health and welfare shall assign a sufficient number of employees and equipment to inspect hazardous waste facilities or sites permitted under section 39-4409, Idaho Code, and located in Idaho where disposal of hazardous waste occurs for the purpose of assuring the protection of the health and safety of the public by monitoring the receipt and handling of hazardous wastes which have been transported by common carrier.

(2) The employees of the department of health and welfare designated in subsection (1) of this section shall be agents of the Idaho transportation department and the public utilities commission for the purpose of collecting regulatory and registration fees pursuant to sections 61-811 and 61-812, Idaho Code, and for collecting fees and permits pursuant to chapter 1, title 49, Idaho Code, which fees have not otherwise been lawfully paid by transporters to the public utilities commission, the Idaho transportation department or a county assessor in this state and for issuing ~~hazardous--waste--trip~~ permits pursuant to section ~~39-4410~~ 49-2504, Idaho Code. All moneys collected by the department's employees as agents of the Idaho transportation

department and the public utilities commission shall be remitted to the state treasurer for deposit in the proper account as provided by law.

(3) All employees of the department designated pursuant to subsection (1) of this section shall alert proper authorities or peace officers regarding violations pursuant to this chapter, violations pursuant to title 61, Idaho Code, and violations pursuant to title 49, Idaho Code, and violations to any rules and regulations issued pursuant to any of the aforementioned code sections.

All actions brought for violations of the provisions of this chapter or rules and regulations promulgated pursuant thereto shall be brought as provided for in this chapter. All actions brought for violations of the provisions of title 61, Idaho Code, or of title 49, Idaho Code, shall be brought as provided in those titles.

SECTION 4. That Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 25, Title 49, Idaho Code, and to read as follows:

CHAPTER 25
HAZARDOUS MATERIALS/HAZARDOUS WASTE
TRANSPORTATION ENFORCEMENT ACT

49-2501. SHORT TITLE. This act may be known and cited as the "Hazardous Materials/Hazardous Waste Transportation Enforcement Act of 1986."

49-2502. LEGISLATIVE FINDINGS AND PURPOSES. (1) The legislature of the state of Idaho finds:

(a) That the amount and number of vehicles involved in the transportation of hazardous materials/hazardous waste on the highways of this state are on the increase;

(b) That the public health and safety and the environment are jeopardized when hazardous materials/hazardous waste are transported in unsafe vehicles or in an unsafe manner;

(c) That since the state police are most likely to be in the position to enforce safety laws and also to be first responders in the event of hazardous materials/hazardous waste incidents; and

(d) That the problem of safe transportation of hazardous materials/hazardous waste has become a matter of statewide concern.

(2) Therefore, it is hereby declared that the purposes of this act are:

(a) To protect the health and safety of the public and the environment by reducing the risk of accidents through an adequately funded safety inspection program aimed at vehicles which transport hazardous materials/hazardous waste;

(b) To provide for specialized training and equipment for state police officers to enable them to respond to hazardous materials/hazardous waste incidents on an emergency basis;

(c) To assure the safe transportation of hazardous materials/hazardous waste within this state.

49-2503. DEFINITIONS. As used in this chapter:

(1) "Board" means the board of the Idaho transportation department.

(2) "Department" means the Idaho transportation department.

(3) "Director" means the director of the Idaho department of law enforcement.

(4) "EPA" means the United States environmental protection agency.

(5) "Hazardous material" means a substance or material which has been determined by the United States secretary of transportation to be capable of posing an unreasonable risk to health, safety and property when transported in commerce, and which has been so designated by properly adopted rule and regulation.

(6) "Hazardous waste" means a material that is subject to the hazardous waste manifest requirements of the EPA due to the type and quantity of the material, or which would be subject to these requirements absent an interim authorization to a state under title 40, code of federal regulations or which includes in whole or in part polychlorinated biphenyls which are regulated by title 40, code of federal regulations, part 761.

(7) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste or material identification code(s) and destination of hazardous material or hazardous waste during any transportation within, through, or to any destination in this state.

(8) "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 or rights and duties.

(9) "Transportation" means the movement of any regulated quantity of hazardous material or hazardous waste within, through, or to any destination in this state upon the highways of this state.

(10) "Transporter" means any person who transports a hazardous material or hazardous waste within, through, or to any destination upon the highways of this state.

(11) "Vehicle" means a self-propelled device in, upon or by which any hazardous materials or hazardous waste is or may be transported upon the highways of this state.

49-2504. PERMIT REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS WASTES. (1) Every person, including a private carrier or a common or contract carrier, who operates a vehicle on any highway of this state transporting hazardous waste in such quantity and under such conditions that he is required to be placarded pursuant to title 49, code of federal regulations, part 172, to be regulated pursuant to title 49, code of federal regulations, part 171, to meet the manifest requirements set forth by title 40, code of federal regulations, or to meet the manifest requirements as set forth under the rules of the bureau of hazardous material, department of health and welfare, shall first procure from the department an annual or single trip permit for each vehicle so driven. This permit shall be available for examination and shall be displayed in accordance with rules adopted by the department. The provisions of this section shall not apply to vehicles owned

by any city, county, state or federal governmental department or agency, or special purpose district created pursuant to law.

(2) The fee for a single trip permit for the transportation of hazardous waste shall be twenty dollars ($20.00).

(3) The fee for an annual permit for the transportation of hazardous waste shall be two hundred fifty dollars ($250).

(4) Any carrier required to pay the fees assessed pursuant to this section is authorized to pass along such fees to the shipping party. No portion of the fees shall be prorated, reduced or transferred to another vehicle.

49-2505. ENDORSEMENT REQUIREMENTS FOR TRANSPORTERS OF HAZARDOUS MATERIALS. (1) Every person, including a private carrier or a common or contract carrier, who operates a vehicle on any highway of this state transporting hazardous material in such quantity and under such conditions that he is required to be placarded pursuant to title 49, code of federal regulations, part 172, to meet the manifest requirements as set forth under the rules of the bureau of hazardous materials, department of health and welfare, shall first procure from the department an annual vehicle registration endorsement or single trip vehicle registration endorsement for each vehicle so driven. This registration endorsement shall be available for examination and shall be displayed in accordance with rules adopted by the department. The provisions of this section shall not apply to vehicles owned by any city, county, state or federal governmental department or agency or special purpose district created pursuant to law.

(2) The fee for an annual vehicle registration endorsement for the transportation of hazardous materials shall be three dollars ($3.00) if purchased at the time of registration or renewal, or five dollars ($5.00) if purchased at any time thereafter and the fee for a single trip vehicle registration endorsement shall be five dollars ($5.00). Any carrier required to pay the fee assessed pursuant to this section is authorized to pass along such fee to the shipping party. Vendors selling endorsements on behalf of the board shall be reimbursed at the rate of forty cents (40¢) per endorsement. No portion of the annual endorsement fee shall be prorated, reduced or transferred to another vehicle.

49-2506. NOTICE OF FEDERAL INSURANCE REQUIREMENTS. A transporter granted a transporter permit or endorsement under this section shall have and maintain financial responsibility for sudden and accidental occurrences in an amount equal to the federal requirements as specified in title 49, code of federal regulations. Coverage must provide for claims arising out of injury to persons, property, or the environment, including the spillage of hazardous material or waste while such materials are transported, and including the costs of cleaning up any spillage. Such liability coverage must be maintained at all times while the permit is in force. The liability requirements may be met by liability insurance, bonding, self insurance or any other method as may be provided by department rule. Provided, however, that failure to maintain the insurance required by federal law shall not constitute a civil or criminal violation of the provisions of this chapter.

49-2507. HAZARDOUS MATERIAL/HAZARDOUS WASTE TRANSPORTATION ENFORCEMENT ACCOUNT. (1) For the purposes of the Idaho department of law enforcement, there is hereby created an account in the dedicated fund in the state treasury, to be designated the hazardous material/hazardous waste transportation enforcement account.

(2) The account shall consist of:

(a) Moneys appropriated to the account;

(b) Moneys as provided in sections 49-2504 and 49-2505, Idaho Code, and in subsections (1) and (2) of section 49-2511, Idaho Code;

(c) Donations, gifts and grants from any source; and

(d) Any other moneys which may hereafter be provided by law.

(3) Moneys in the account may be used by the director for reasonable costs incident to enforcement of the laws and rules related to the transportation of hazardous material or hazardous waste. Such costs include expenditures for inspection and monitoring programs, training of law enforcement personnel to meet specialized needs of hazardous materials/hazardous waste enforcement, and other reasonable expenses necessary for the enforcment of such programs.

(4) All moneys placed in the account shall be appropriated annually by the legislature 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.

(5) 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.

(6) An amount of money equal to the actual and reasonable cost of issuing the permits and endorsements, collecting the moneys for them, and the direct administrative costs as determined by the department and certified by the state auditor, shall be paid to the state highway account established in section 40-702, Idaho Code.

49-2508. ENFORCEMENT. (1) The provisions of this chapter and any rules adopted under it shall be enforced anywhere in the state by an authorized agent of the director or by any peace officer except for conservation officers of the department of fish and game. Such officers may detain and inspect any sealed or unsealed vehicle, container, or shipment which contains or which they have reason to believe contains hazardous material or wastes while in transit or in maintenance facilities or terminals, or on other public or private property to which the public has access, to ascertain if hazardous materials or wastes are being loaded, unloaded, stored or transported, and to inspect the contents, take samples thereof, and to otherwise insure compliance with the provisions of this chapter and of all rules adopted under chapter 8, title 61, Idaho Code, or chapter 44, title 39, Idaho Code. If a seal is opened for inspection, the inspecting officer shall reseal any vehicle, container or shipment prior to further transportation. Property used in violation of the laws may be seized and used as evidence.

(2) For the purposes of this chapter and chapter 44, title 39,

Idaho Code, the transporter is responsible for the clean up of any hazardous material/hazardous waste discharge in, on and outside the vehicle, or any one or more of such locations, that occurs during transportation and must take such action as may be required so that the discharge no longer presents a hazard to public health, safety, or the environment.

(3) The board is authorized to suspend or revoke any permit or endorsement issued pursuant to this chapter if it is determined that any material provision of the permit or endorsement has been violated or if the driver, owner, lessee, or custodian of a permitted vehicle has been convicted of two (2) or more violations within a calendar year of any combination of statutes or rules relative to hazardous materials or hazardous waste. In any action to suspend or revoke, the board shall comply with the procedures specified in chapter 52, title 67, Idaho Code. Provided, however, that should the board have reasonable cause to believe that there exists any immediate danger to the public health, safety or environment, it may issue an emergency order suspending any permit or endorsement granted under this chapter for a reasonable period not to exceed fourteen (14) days.

49-2509. CIVIL ENFORCEMENT ACTION. The attorney general or any prosecuting attorney 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, endorsement, standard, regulation, condition, or requirement 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 or department shall not be required to initiate or prosecute an administrative action before the attorney general or prosecuting attorney may commence and prosecute a civil action.

49-2510. SUBPOENA AUTHORITY. The attorney general or any prosecuting attorney, for the purposes contemplated by this act, upon probable cause to believe that a violation of any of the provisions of this chapter has occurred, may, after notice to the persons to whom the subpoena is to be directed, apply to any judge of the district court for the county in which such violation is believed to have occurred for a subpoena to compel the attendance of witnesses, and to compel the production of pertinent books, payrolls, accounts, papers, records, documents and testimony. Such judge shall issue a subpoena upon a finding of probable cause and shall enforce refusals to testify or to produce subpoenaed items with contempt sanctions. Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the district courts of this state.

49-2511. CIVIL REMEDIES. The remedies specified in this section are cumulative and nonexclusive.

(1) Monetary penalties.

(a) Any person who makes a materially false statement or representation in any application, label, manifest, record, report, permit, endorsement 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 less than fifty dollars ($50.00) nor to exceed ten thousand dollars ($10,000) for each separate violation.

(b) Any person who violates this chapter or any permit, standard, regulation, condition, or requirement issued or promulgated pursuant to this chapter shall be liable for a civil penalty not less than fifty dollars ($50.00) nor to exceed ten thousand dollars ($10,000) for each separate violation.

(c) The imposition or computation of monetary penalties shall 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 any of the provisions of this chapter or any permit, standard, regulation, condition, or requirement issued or promulgated pursuant to this chapter may be assessed for:

(a) The state's cost for any nonroutine investigations, inspections, monitoring, or surveys which lead to evidence of the violation;

(b) The state's costs, including the reasonable value of attorneys' services, for preparing and litigating the case;

(c) The state's cost for impounding, storing, and disposing of contaminated property and for the cleanup of a hazardous materials or hazardous waste discharge;

(d) 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 uses. Provided further, that any such suit for damages to publicly held resources may be brought only by the attorney general or prosecuting attorney for the county in which the violation occurred;

(e) Compensation for damages to privately held resources including but not limited to livestock, land, water, or other personal property, and compensation for court costs allowed by statute, reasonable attorney's fees for trial preparation and trial of the case, and all other reasonable costs of trial preparation and trial of the case;

(3) Payment to hazardous materials/hazardous waste transportation enforcement account. Moneys recovered pursuant to subsections (1) and (2) (a), (c) and (d) of this section shall be paid into the hazardous material/hazardous waste transportation enforcement account created in section 49-2507, Idaho Code. Moneys recovered under subsection (2)(b) of this section shall not be paid into this account but shall be paid to those who rendered services and incurred costs in litigating the case.

(4) Restraining orders, injunctions and other relief. Any person who violates any provision of this chapter or any permit, standard, regulation, or requirement issued or promulgated pursuant to this chapter shall be subject to injunctive relief 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 attorney general or prosecuting attorney need not allege or prove at any stage of the proceeding that long term irrepa-

rable damage will occur should the injunction or order not be issued or that the remedy at law is inadequate.

49-2512. IMMUNITIES. (1) (a) 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 material, 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.

(b) The immunities provided in subsection (3)(a) of this section above shall not apply to any person:

(i) Whose act or omission caused in whole or in part such actual or threatened leakage, seepage or other release and would otherwise be liable therefor; or

(ii) Who receives compensation, or is an employee of a person who receives compensation for services rendered in connection with the emergency, from a person whose act or omission caused in whole or in part the emergency, other than reimbursement for out-of-pocket expenses for services in rendering such assistance or advice.

(c) Nothing in subsection (3)(a) of this section 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.

(2) Governmental immunity. No cause of action shall accrue against the state of Idaho or any of its political subdivisions or any agency thereof based on negligence in a performance of any of the duties or responsibilities provided under this chapter.

49-2513. CRIMINAL ENFORCEMENT AND PENALTIES. (1) Any person who knowingly makes any materially 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, or requirement 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) Any person found guilty of a second offense under this chapter within a period of five (5) years shall be guilty of a misdemeanor punishable by a fine not to exceed twenty-five thousand dollars ($25,000).

(4) An action may be commenced and prosecuted by the attorney general. The director or board shall not be required to initiate or prosecute an administrative action before the attorney general or prosecuting attorney may commence and prosecute a civil action.

49-2514. CHANGE OF RULES AND REGULATIONS. Whenever any federal rule or regulation is cited in this chapter and is amended, modified, repealed or recodified, its successor rule or regulation shall govern and be operative.

49-2515. 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.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 49-2512, Idaho Code, which is enacted by Section 4 of this act shall be in full force and effect on and after this act's passage and approval. The remaining provisions of this act shall be in full force and effect on and after January 1, 1987; provided, however, that the Idaho Transportation Board and Idaho Transportation Department shall be authorized to permit any person renewing or purchasing a vehicle registration on and after July 1, 1986, to acquire a vehicle registration endorsement prior to January 1, 1987, and any receipts therefrom shall be placed in the Hazardous Material/Hazardous Waste Transportation Enforcement Account which is created in section 49-2507, Idaho Code, which is enacted by Section 4, of this act and Section 49-2507, Idaho Code, which is enacted by Section 4 of this act shall be in full force and effect on and after July 1, 1986.

Approved April 3, 1986.

CHAPTER 232
(H.B. No. 524)

AN ACT

RELATING TO CRIMINAL SENTENCING; PROVIDING A SHORT TITLE; AMENDING SECTION 18-4004, IDAHO CODE, TO REQUIRE A MANDATORY MINIMUM SENTENCE OF TEN YEARS BE SERVED IF A SENTENCE FOR LIFE IMPRISONMENT IS IMPOSED AND TO DENY ELIGIBILITY FOR PAROLE OR DISCHARGE OR OTHER REDUCTION OF SENTENCE DURING THE MINIMUM TERM; AMENDING SECTION 19-2513, IDAHO CODE, TO AUTHORIZE A COURT TO IMPOSE A UNIFIED SENTENCE CONTAINING A MINIMUM SENTENCE FOLLOWED, IN THE DISCRETION OF THE COURT, BY AN INDETERMINATE SENTENCE, TO DENY ELIGIBILITY FOR PAROLE OR DISCHARGE OR OTHER REDUCTION OF SENTENCE, EXCEPT FOR MERITORIOUS SERVICE, DURING THE MINIMUM TERM, TO REQUIRE UNIFIED SENTENCES BE CONSISTENT WITH STATUTORY MANDATORY MINIMUM SENTENCES IF APPLICABLE, TO REQUIRE THE COURT TO IMPOSE A MINIMUM TERM PURSUANT TO A SENTENCE ENHANCEMENT STATUTE IF REQUIRED BY STATUTE, IF APPLICABLE, TO REQUIRE ALL MINIMUM TERMS BE SERVED BEFORE INDETERMINATE TERMS COMMENCE AND TO PROVIDE AN EFFECTIVE DATE; REPEALING SECTION 19-2513A, IDAHO CODE; AND AMENDING SECTION 20-223, IDAHO CODE, TO REMOVE MINIMUM ELIGIBILITY

REQUIREMENTS FOR PAROLE AND TO ALLOW PAROLE ONLY WHEN THE COMMISSION OF PARDONS AND PAROLE REASONABLY BELIEVES THAT THE PRISONER DOES NOT CONSTITUTE A THREAT TO THE SAFETY OF SOCIETY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. This act shall be known as the "Unified Sentencing Act of 1986."

SECTION 2. That Section 18-4004, Idaho Code, be, and the same is hereby amended to read as follows:

18-4004. PUNISHMENT FOR MURDER. Subject to the provisions of 19-2515, Idaho Code, every person guilty of murder of the first degree shall be punished by death or by imprisonment for life, provided that whenever the court shall impose a sentence of life imprisonment, the court shall set forth in its judgment and sentence a minimum period of confinement of not less than ten (10) years during which period of confinement the offender shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct, except for meritorious service. Every person guilty of murder of the second degree is punishable by imprisonment not less than ten (10) years and the imprisonment may extend to life.

SECTION 3. That Section 19-2513, Idaho Code, be, and the same is hereby amended to read as follows:

19-2513. ~~INDETERMINATE~~ UNIFIED SENTENCE. ~~The minimum period of imprisonment in the penitentiary heretofore provided by law for the punishment of felonies, and each such minimum period of imprisonment for felonies, hereby is abolished.~~ Whenever any person is convicted of having committed a felony, the court shall, unless it shall commute the sentence, suspend or withhold judgment and sentence or grant probation, as provided by chapter 26 of title 19, Idaho Code, or unless it shall impose the death sentence as provided by law, sentence such offender to the custody of the state board of correction ~~for an indeterminate period of time, but stating and fixing in such judgment and sentence a maximum term which term shall be for a period of not less than two (2) years nor exceeding that provided by law therefor, and judgment and sentence shall be given accordingly, and such sentence shall be known as an indeterminate sentence; provided, however, that the enactment of this act shall not affect the indictment, information, prosecution, trial, verdict, judgment, or punishment of any felonies heretofore committed, but all laws now and hitherto in effect relating thereto are continued in full force and effect as to such crimes heretofore committed.~~ The court shall specify a minimum period of confinement and may specify a subsequent indeterminate period of custody. The court shall set forth in its judgment and sentence the minimum period of confinement and the subsequent indeterminate period, if any, provided, that the aggregate sentence shall not exceed the maximum provided by law. During a minimum term of confine-

ment, the offender shall not be eligible for parole or discharge or credit or reduction of sentence for good conduct except for meritorious service. The offender may be considered for parole or discharge at any time during the indeterminate period of the sentence.

If the offense carries a mandatory minimum penalty as provided by statute, the court shall specify a minimum period of confinement consistent with such statute. If the offense is subject to an enhanced penalty as provided by statute, or if consecutive sentences are imposed for multiple offenses, the court shall, if required by statute, direct that the enhancement or each consecutive sentence contain a minimum period of confinement; in such event, all minimum terms of confinement shall be served before any indeterminate periods commence to run.

Enactment of this amended section shall not affect the prosecution, adjudication or punishment of any felony committed before the effective date of enactment.

SECTION 4. That Section 19-2513A, Idaho Code, be, and the same is hereby repealed.

SECTION 5. That Section 20-223, Idaho Code, be, and the same is hereby amended to read as follows:

20-223. PAROLE, RULES AND REGULATIONS GOVERNING -- RESTRICTIONS -- PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION. (a) Subject to section 19-2513, Idaho Code, t~~T~~he commission shall have the power to establish rules, regulations, policies or procedures in compliance with chapter 52, title 67, Idaho Code, under which any prisoner, excepting any under sentence of death, may be allowed to go upon parole but to remain while on parole in the legal custody and under the control of the board and subject to be taken back into confinement at the direction of the commission~~;-provided,-however,-that-no-person-serving-a-life-sentence-or-serving-a-term-of-thirty-(30)-or-more-years-shall--be-eligible--for--release-on-parole-until-he-has-served-at-least-ten-(10)-years-and-no-person-serving-a-lesser-sentence-for-any-of-the-following-crimes;-homicide-in-any-degree,-treason,-rape-by-force--or--threat--of-bodily--harm,-incest,-crime-against-nature,-committing-a-lewd-act-upon-a-child,-robbery-of-any-kind,-kidnapping,-burglary-when-armed--with--a-dangerous--weapon,-or-with-an-attempt-or-assault-with-intent-to-commit-any-of-said-crimes,-or-as-an-habitual-offender,-shall-be-eligible--for-release--on--parole--until-said-person-has-served-a-period-of-five-(5)-years-or-one-third-(1/3)-of-the-sentence,-whichever-is-the-least.--The-provisions--of--this--section--shall-affect-only-those-persons-who-are-sentenced-on-or-after-the--first--day--of--July,--1980,--and--are--not-intended--to--repeal--or-amend-sections-19-2513A,-19-2520-or-19-2520A,-Idaho-Code~~.

(b) No person serving a sentence for rape, incest, committing a lewd act upon a child, crime against nature, or with an intent or an assault with intent to commit any of the said crimes or whose history and conduct indicate to the commission that he is a sexually dangerous person, shall be released on parole except upon the examination and evaluation of one or more psychiatrists or psychologists to be se-

lected by the commission and such evaluation shall be duly considered by the commission in making its parole determination. The commission may, in its discretion, likewise require a similar examination and evaluation for persons serving sentences for crimes other than those above enumerated. No psychiatrist or psychologist making such evaluation shall be held financially responsible to any person for denial of parole by the commission or for the results of the future acts of such person if he be granted parole.

(c) Before considering the parole of any prisoner, the commission shall afford the prisoner the opportunity to be interviewed. A parole shall be ordered only for the best interests of society when the commission reasonably believes that the prisoner no longer poses a threat to the safety of society, not as a reward of clemency and it shall not be considered to be a reduction of sentence or a pardon. A prisoner shall be placed on parole only when arrangements have been made for his employment or maintenance and care, and when the commission believes the prisoner is able and willing to fulfill the obligations of a law-abiding citizen. The commission may also by its rules, regulations, policies or procedures fix the times and conditions under which any application denied may be reconsidered.

(d) In making any parole or commutation decision with respect to a prisoner, the commission shall consider the compliance of the prisoner with any order of restitution which may have been entered according to section 19-5304, Idaho Code. The commission may make compliance with such an order of restitution a condition of parole.

SECTION 6. This act shall be in full force and effect on and after February 1, 1987, and the amendments in this act shall apply only to those persons who shall commit an offense on or after February 1, 1987, and are not intended to repeal or amend those provisions of the Code which apply to persons committing an offense prior to February 1, 1987, which provisions shall continue to apply, and further that amendments in this act are not intended to repeal or amend sections 19-2520, 19-2520A, 19-2520B, 19-2520C or 19-2520D, Idaho Code.

Approved April 3, 1986.

CHAPTER 233
(H.B. No. 542)

AN ACT

RELATING TO REGISTRATION OF OFF-HIGHWAY MOTORBIKES; AMENDING CHAPTER 27, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2702, IDAHO CODE, TO DEFINE TERMS; AMENDING SECTION 49-2702, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE THAT OFF-HIGHWAY MOTORBIKES MAY BE REGISTERED AT ANY VENDOR AND TO CHANGE THE DATE WHEN REGISTRATION SHALL EXPIRE; AMENDING SECTION 49-2703, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO CHANGE THE REQUIREMENTS FOR THE TRANSFER OF A STICKER OF REGISTRATION ISSUED FOR AN OFF-HIGHWAY VEHICLE; AMENDING SECTIONS 49-2704 AND 49-2705, IDAHO CODE, TO REDESIGNATE THE SECTIONS; AMENDING SECTION 49-2706,

IDAHO CODE, TO REDESIGNATE THE SECTION, TO INCREASE THE REGISTRATION FEE AND TO CHANGE THE DISTRIBUTION FORMULA FOR MONEYS RECEIVED FROM THE REGISTRATION FEE; AMENDING SECTION 49-2707, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE CORRECT NOMENCLATURE, AND TO PROVIDE THAT THE STATE PARK AND RECREATION BOARD MAY ACQUIRE APPLICABLE FEDERAL MATCHING FUNDS WITH THE USE OF MONEYS IN THE MOTORBIKE RECREATION ACCOUNT; AMENDING SECTION 49-2708, IDAHO CODE, TO REDESIGNATE THE SECTION; AND AMENDING SECTION 49-2709, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE PENALTIES FOR A VIOLATION.

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

SECTION 1. That Chapter 27, 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 49-2702, Idaho Code, and to read as follows:

49-2702. DEFINITIONS. In this chapter:

(1) "Dealer" means any person who engages in the retail sales of or rental of motorbikes.

(2) "Department" means the department of parks and recreation.

(3) "Motorbike" means any self-propelled two (2) or three (3) wheeled motorcycle or motor-driven cycle, excluding tractor, designed for or capable of traveling off developed roadways and highways and also referred to as trailbikes, enduro bikes, trials bikes, motocross bikes or dual purpose motorcycles.

(4) "Vendor" means county assessors, dealers or individuals authorized by the department to sell motorbike registrations.

SECTION 2. That Section 49-2702, Idaho Code, be, and the same is hereby amended to read as follows:

49-270~~2~~3. REQUIREMENTS -- REGISTRATION -- PROCEDURE. Commencing ~~July 1, 1972~~ January 2, 1987 and on or before ~~July 1~~ January 2 of each subsequent year, the owner of any vehicle as defined in sections 49-57~~3~~8 and 49-2702, Idaho Code, ~~which is not registered for operation upon the public highways, but operated upon the property of another,~~ used off public highways but excluding those vehicles used exclusively on private land for agricultural use, shall register that vehicle ~~in the county of which he is a resident~~ at any vendor authorized by the department. A fee of ~~three~~ five dollars ($~~3~~5.00) shall be charged for each registration. At the time of sale from any dealer, each motorbike must be registered before it leaves the premises. Application blanks and stickers shall be supplied by the ~~Idaho transportation~~ department and such registration sticker shall be issued to the person making application for registration. The ~~county assessor~~ vendor issuing the registration sticker shall, upon receipt of the application in approved form, issue to the applicant an off-highway motorbike sticker and shall note the number of the sticker in his records and shall supply a duplicate copy of the application form, noting the number of the sticker issued, to the ~~Idaho transportation~~ department. All stick-

ers which are issued shall be in force through ~~July 1~~ January 2 of the following year. All registration stickers shall be renewed by the owner of the off-highway vehicle in the same manner provided for in the initial securing of the same. The issued sticker shall be placed upon the off-highway vehicle in such a manner that it is completely visible and shall be kept in a legible condition at all times.

SECTION 3. That Section 49-2703, Idaho Code, be, and the same is hereby amended to read as follows:

49-27034. TRANSFER OF STICKER. The purchaser of an off-highway motor vehicle, which has been previously registered, shall within fifteen (15) days after acquiring same, make application to ~~the county assessor~~ vendor for transfer to him of the sticker of registration issued to the off-highway vehicle, giving the same information as on the original application and the number of the sticker, and shall at the same time pay a transfer fee of one dollar ($1.00) ~~which shall be deposited in the general fund of the county. Upon the receipt of the completed application and fee, the assessor shall transfer the registration sticker of the vehicle to the new owner. The transferred sticker shall remain valid until its original expiration date. Unless such application is made and the fee paid within fifteen (15) days, such vehicle shall be deemed to be without a sticker of registration and it shall be unlawful for any person to operate an off-highway vehicle without a sticker of registration.~~

SECTION 4. That Section 49-2704, Idaho Code, be, and the same is hereby amended to read as follows:

49-27045. NONRESIDENT -- EXEMPTION. The provisions of this act regarding registration shall not apply to any nonresident owner; provided that if a nonresident owner operates the vehicle for over thirty (30) days within this state he shall be subject to the registration provisions of this act.

SECTION 5. That Section 49-2705, Idaho Code, be, and the same is hereby amended to read as follows:

49-27056. NOISE ABATEMENT. All vehicles subject to registration under this act and all nonresident vehicles operated on public lands of the state shall comply with the noise abatement provisions specified in section 49-835, Idaho Code, the same as though they were highway operated vehicles.

SECTION 6. That Section 49-2706, Idaho Code, be, and the same is hereby amended to read as follows:

49-27067. CREATION OF ACCOUNT -- DISTRIBUTION OF FEES. There is ~~hereby created~~ established in the state treasurer's office an account to be known and designated as the "motorbike recreation account." The ~~three~~ five dollar ($35.00) fee collected for registration stickers shall be allocated as follows:

1. ~~Twenty-five--cents--(25¢)--shall-be-retained-by-the-county-and deposited-in-the-county-current-expense-fund~~ Authorized vendors and county assessors shall charge fifty cents (50¢) for a handling fee;

2. ~~Forty~~ Seventy-five cents (~~40~~75¢) shall be allotted to the ~~Idaho-transportation~~ department for administration and for the production of registration stickers, which moneys shall be placed in the ~~state-highway~~ motorbike recreation account; and

3. The remaining ~~two~~ three dollars and ~~thirty~~ seventy-five cents ($~~2.~~3.75) shall be transmitted to the state treasurer's office for deposit to the credit of the motorbike recreation account, all such moneys to be transmitted to the state treasurer on or before the 10th day of each month.

SECTION 7. That Section 49-2707, Idaho Code, be, and the same is hereby amended to read as follows:

49-270~~7~~8. USE OF MONEYS IN ~~FUND~~ ACCOUNT. The state park and recreation board shall administer the motorbike recreation ~~fund~~ account. The moneys derived from this ~~fund~~ account shall be used as follows:

1. For the securing of special leases or permits, or for the actual purchase of land under private, state or federal ownership to be used for recreational motorbike activity;

2. For the securing, maintenance, construction or development of trails and other recreational facilities for off-road motorbike use on state and federal lands;

3. To finance the formulation and implementation under the state park and recreation board's direction of an off-the-road rider education program.

4. ~~With-the-consent-of-the-advisory-committee,-t~~To acquire applicable federal matching funds~~,-provided-the-funds-so-derived-are--spent on-projects-that-have-the-prior-approval-of-the-advisory-committee.~~

SECTION 8. That Section 49-2708, Idaho Code, be, and the same is hereby amended to read as follows:

49-2708~~9~~. ADVISORY COMMITTEE -- CREATION -- SELECTION -- TERM OF OFFICE -- DUTY. The park and recreation board shall appoint an advisory and planning committee of six (6) members. The membership of the advisory and planning committee shall be selected from a list of three (3) nominees from each park and recreation board district, as defined in section 67-4221, Idaho Code. The list of nominees shall be submitted by the Idaho motorcyclist association and the Idaho trail machine association. Each member of the advisory and planning committee shall be chosen by the park and recreation board to serve a term of four (4) years, except that the term of the initial appointees shall commence on the date of appointment and shall be of staggered lengths. Each member of the advisory and planning board shall be a qualified elector of the state. The members of the advisory and planning board shall be compensated as provided by section 59-509(b), Idaho Code. Duties shall include:

1. Representation of the best interests of recreational motorbike

activity in the districts from which they are appointed;

2. To meet with the park and recreation board at least twice each year;

3. To be co-responsible with the park and recreation board to administer the motorbike recreation fund.

SECTION 9. That Section 49-2709, Idaho Code, be, and the same is hereby amended to read as follows:

49-27~~09~~. PENALTIES. Any violation of the provisions of this ~~act~~ chapter shall be deemed a violation subject to a fine of not less than ten dollars ($10.00) and not more than two hundred dollars ($200) plus standard court costs.

Approved April 3, 1986.

CHAPTER 234
(S.B. No. 1472)

AN ACT

RELATING TO THE ADJUDICATION OF WATER RIGHTS; AMENDING CHAPTER 14, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1401A, IDAHO CODE, TO DEFINE TERMS.

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

SECTION 1. That Chapter 14, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1401A, Idaho Code, and to read as follows:

42-1401A. DEFINITIONS. The following terms are defined for purposes of this chapter as follows:

(1) "Claimant" means any person asserting ownership of rights to the use of water within the state of Idaho or on whose behalf ownership of rights to the use of water is asserted.

(2) "Consumptive use" means the amount of water that does not remain in the water system after use or is not returned to the water system through return flows or seepage, whether or not treatment for purposes of maintaining water quality is required before the water may be returned to the water system. "Consumptive use" for an irrigation water right shall be based upon the most water consumptive crop that can be grown in the area during the period of the year when water is used for irrigation. "Consumptive use" is included as a rebuttable presumption in a decree only for the purpose of transfers pursuant to section 42-222, Idaho Code.

(3) "Department" means the Idaho department of water resources.

(4) "Director" means the director of the Idaho department of water resources.

(5) "Domestic use" means the use of water for homes, organization camps, public campgrounds, livestock, and for any other purpose in

connection therewith, including irrigation of up to one-half (1/2) acre of land, if the total use is not in excess of thirteen thousand (13,000) gallons per day. Domestic use shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments.

(6) "General adjudication" means an action for the judicial determination of the extent and priority of the rights of all persons to use water from any water system within the state of Idaho that binds all persons, including unknown parties, except as provided in section 42-1420, Idaho Code.

(7) "Party" means the director, any person who is a claimant, or any person who is served or joined.

(8) "Person" means an individual, a partnership, a trust, an estate, a corporation, a municipal corporation, the state of Idaho or any political subdivision, the United States, an Indian tribe, or any other public or private entity.

(9) "Private adjudication" means an action commenced in accordance with section 42-1404, Idaho Code, for the judicial determination of the extent and priority of the rights of named parties to the use of water from any water system within the state of Idaho, for which a general adjudication has not been commenced or completed, that binds only those persons joined as parties.

(10) "Purchaser" means any successor in interest of a claimant, whether the interest is acquired by purchase, gift, inheritance, or other means.

(11) "Supplemental adjudication" means an action commenced in accordance with section 42-1405, Idaho Code, for the judicial determination of the extent and priority of the rights of the plaintiff(s) to the use of water from any water system within the state of Idaho which has been adjudicated in a general adjudication or in a private adjudication.

(12) "Stock watering use" means the use of water solely for livestock or wildlife where the total use is not in excess of thirteen thousand (13,000) gallons per day.

(13) "Water system" includes all rivers, streams, lakes, springs, ground waters, or other sources within this state, including all water subject to claims based upon federal law, including any river system or other source, as used in 43 U.S.C. section 666.

Approved April 3, 1986.

CHAPTER 235
(S.B. No. 1404, As Amended)

AN ACT

RELATING TO THE AUTHORITY OF THE FISH AND GAME COMMISSION CONCERNING THE ISSUANCE OF DEER AND ELK TAGS; AMENDING SECTION 36-408, IDAHO CODE, TO REQUIRE THE FISH AND GAME COMMISSION TO SET ASIDE A PERCENTAGE OF NONRESIDENT DEER TAGS AND NONRESIDENT ELK TAGS, TO BE SOLD ON A FIRST-COME, FIRST-SERVED BASIS, ONLY TO PERSONS THAT HAVE ENTERED INTO AN AGREEMENT FOR THAT YEAR TO UTILIZE THE SER-

VICES OF A LICENSED OUTFITTER, TO PROVIDE PROCEDURES TO OBTAIN THE NONRESIDENT DEER AND ELK TAGS, TO PROVIDE FOR SALE OF UNSOLD SET-ASIDE NONRESIDENT DEER AND ELK TAGS TO THE GENERAL PUBLIC WHO ARE NONRESIDENTS, AND TO PROVIDE FOR RULES AND REGULATIONS.

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

SECTION 1. That Section 36-408, Idaho Code, be, and the same is hereby amended to read as follows:

36-408. COMMISSION'S AUTHORITY -- TAGS -- PERMITS -- NONRESIDENTS LIMITED -- OUTFITTERS SET-ASIDE. (a) Tags and Permits -- Method of Use. The commission is hereby authorized to prescribe the number and kind of wildlife that may be taken under authority of the several types of tags and permits provided for in this title, and the manner in which said tags and permits shall be used and validated.

(b) Limit -- Licenses, Tags or Permits -- Controlled Hunts. The commission is hereby authorized to establish a limit annually as to the number of each kind and class of licenses, tags, or permits to be sold or issued and is further authorized to limit the number or prohibit entirely, the participation by nonresidents in controlled hunts.

(c) Outfitters Set-aside. When the commission establishes a limit as to the number of nonresident deer tags and nonresident elk tags, it shall set aside annually a maximum of twenty-five per cent (25%) of the nonresident deer tag and nonresident elk tag limit. The set-aside tags shall be sold on a first-come, first-served basis, only to persons that have entered into an agreement for that year to utilize the services of an outfitter licensed pursuant to chapter 21, title 36, Idaho Code.

In order for a person to purchase any set-aside nonresident deer tag or nonresident elk tag, that person's outfitter must submit an application with the proper fees to the department of fish and game. If any nonresident deer tags or nonresident elk tags set aside pursuant to this subsection are unsold by July 1 of the year in which they were set aside, they may be sold by the department to the general public who are nonresidents. The commission may promulgate all necessary rules and regulations to implement the provisions of this subsection.

Approved April 3, 1986.

CHAPTER 236
(S.B. No. 1420)

AN ACT

RELATING TO THE OUTFITTERS AND GUIDES BOARD; AMENDING SECTION 36-2106, IDAHO CODE, TO PROVIDE THAT EACH APPOINTMENT MADE BY THE FISH AND GAME COMMISSION TO THE OUTFITTERS AND GUIDES BOARD SHALL BE FOR A TERM OF THREE YEARS, TO PROVIDE THAT ALL APPOINTMENTS TO THE OUTFITTERS AND GUIDES BOARD MADE AFTER JULY 1, 1986, SHALL BE SUBJECT TO THE ADVICE AND CONSENT OF THE SENATE, AND TO PROVIDE

UNIFORM COMPENSATION FOR ALL MEMBERS OF THE BOARD.

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

SECTION 1. That Section 36-2106, Idaho Code, be, and the same is hereby amended to read as follows:

36-2106. APPOINTMENT AND QUALIFICATION OF MEMBERS -- ORGANIZATION OF BOARD. One (1) member shall be a member of the Idaho fish and game commission, or a person selected by that body. Each appointment made by the fish and game commission shall be for a term of three (3) years. One (1) member shall be selected from the public. Three (3) members of the board shall be qualified and licensed outfitters and guides who have not had less than five (5) years' experience in the business of outfitting and guiding in the state of Idaho. Each appointment shall be for the term of three (3) years and each board member shall hold office for a term of three (3) years. Upon the death, resignation or removal of any but the member representing the fish and game commission the governor shall appoint a member to fill out the unexpired term. Immediately upon the creation of a vacancy in one (1) of the positions held by an outfitter or guide, either through expiration of term, death, resignation or removal, the Idaho outfitters and guides association shall submit to the governor the names of two (2) qualified ~~men~~ persons for each such vacancy created and the appointment to fill such vacancy shall be made by the governor from the names submitted within thirty (30) days after the receipt by the governor of the names submitted. All appointments to the outfitters and guides board made after July 1, 1986, shall be subject to the advice and consent of the senate. Appointments to fill any vacancy other than that created by the expiration of a term shall be made for the unexpired term. A majority of said board shall constitute a quorum. The board shall meet at least four (4) times a year, and at least two (2) meetings shall be held in Boise, Idaho. Each member of the board shall be compensated as provided by section 59-509(g), Idaho Code~~,-except-t~~. The member representing the fish and game commission~~,-who--shall--be--compensated-as-provided-in-section-36-102,-Idaho-Code,-which~~ shall be paid by the fish and game commission.

Approved April 3, 1986.

CHAPTER 237
(S.B. No. 1410)

AN ACT

RELATING TO CREDIT UNIONS; AMENDING SECTION 26-2121, IDAHO CODE, TO AUTHORIZE THE SUPERVISORY COMMITTEE OF A STATE OR FEDERALLY CHARTERED CREDIT UNION TO CONTRACT WITH THE IDAHO CREDIT UNION LEAGUE OR ANY OF ITS SUBSIDIARY ORGANIZATIONS TO PREPARE ANY REPORTS THE SUPERVISORY COMMITTEE IS REQUIRED BY LAW TO SUBMIT TO THE BOARD OF DIRECTORS AND OTHER ENTITIES AND TO PROVIDE OTHER FUNCTIONS THE IDAHO CREDIT UNION LEAGUE MAY PERFORM FOR STATE OR FEDERALLY CHAR-

TERED CREDIT UNIONS.

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

SECTION 1. That Section 26-2121, Idaho Code, be, and the same is hereby amended to read as follows:

26-2121. SUPERVISORY COMMITTEE. The supervisory committee shall make or cause to be made, at least semiannually, an examination of the affairs of the credit union, including an audit of its books; shall submit a written report of its semiannual examination to the board; and shall make or cause to be made an annual audit, a written report of which shall be submitted to the members at the next annual meeting of the credit union.

The supervisory committee shall cause the passbook and accounts of the members to be verified with the records of the treasurer from time to time, and not less frequently than once each year. The term "passbook" shall include any book, statement of accounts, or other pertinent or related record.

Notwithstanding any other provision of law to the contrary, the supervisory committee of a state or federally chartered credit union may contract with the Idaho credit union league, or any of its subsidiary organizations, for preparation of any reports the supervisory committee is required by law to submit to the board of directors, and the Idaho credit union league, or its subsidiaries, may perform such function on behalf of the supervisory committee and any report prepared thereby may be accepted by the board of directors or any governmental entity in lieu of any supervisory committee report required under this section.

By unanimous vote, the supervisory committee, if it deems such action to be necessary to the proper conduct of the credit union, may suspend any officer, director or member of the committee and call the members together to act on such suspension. The members at said meeting may sustain such suspension and remove said officer permanently or may reinstate said officer.

By majority vote the supervisory committee may call a special meeting of the members to consider any matter submitted to it by said meeting.

Approved April 3, 1986.

CHAPTER 238
(S.B. No. 1374, As Amended)

AN ACT

RELATING TO PARKING SPACES FOR THE HANDICAPPED; AMENDING SECTION 49-698, IDAHO CODE, TO PROHIBIT PARKING IN SPACES RESERVED FOR HANDICAPPED PERSONS UNLESS CERTAIN QUALIFYING CONDITIONS ARE MET, AND PROVIDING THAT THE REGISTERED OWNER OF A VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS SECTION IS LEGALLY RESPONSIBLE FOR THE VEHICLE IMPROPERLY PARKED.

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

SECTION 1. That Section 49-698, Idaho Code, be, and the same is hereby amended to read as follows:

49-698. PARKING SPACES FOR THE HANDICAPPED -- MARKING AND SIGNING ----~~IMPOUNDMENT~~ ENFORCEMENT. (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, a special card for the handicapped as prescribed in sections 49-695 or 49-697, Idaho Code, or a special temporary card as prescribed by section 49-696, 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 49-695, 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, which is at least thirty-six (36) inches above the ground, consisting of the international handicapped symbol as shown in section 49-695, Idaho Code. The parking space shall be conspicuously painted.

(2) Parking a vehicle or the standing of a vehicle in a 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~~, is prohibited, unless the vehicle is displaying a special license plate for the handicapped, a special card for the handicapped as prescribed in sections 49-695 or 49-697, Idaho Code, or a special temporary card as prescribed by section 49-696, Idaho Code. The registered owner of a vehicle parked in violation of the provisions of this subsection is guilty of an infraction ~~and~~, which is 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--exclusively--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-visible-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--handicapped-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 3, 1986.

CHAPTER 239
(S.B. No. 1478)

AN ACT

RELATING TO IDAHO STATE UNIVERSITY; AMENDING CHAPTER 30, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-3012, IDAHO CODE, TO CREATE AND ESTABLISH THE STATE MUSEUM OF NATURAL HISTORY AT IDAHO STATE UNIVERSITY.

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

SECTION 1. That Chapter 30, 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 33-3012, Idaho Code, and to read as follows:

33-3012. STATE MUSEUM OF NATURAL HISTORY. (1) Recognizing the importance of our natural heritage to the citizens of the state of Idaho, and the need for a state museum of natural history which would preserve and interpret natural history objects and which would provide educational services about our natural heritage for both residents and visitors through its own facilities and by supporting and encouraging local and municipal natural history museums throughout the state of Idaho, there is hereby created and established at Idaho State University a state museum of natural history to be known as the Idaho museum of natural history, where tangible objects and documents reflecting our natural heritage may be collected, preserved, studied, interpreted, and displayed for educational and cultural purposes.

(2) The Idaho museum of natural history may receive gifts, contributions, and donations of all kinds for the purpose of support and

maintenance of the museum, and may receive tangible objects and specimens for the development of collections, educational programs and exhibits.

Approved April 4, 1986.

CHAPTER 240
(H.B. No. 579)

AN ACT

RELATING TO COUNTY-OWNED HOSPITALS; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3515A, IDAHO CODE, TO ALLOW THE TRANSFER OR LEASE BY THE BOARD OF COUNTY COMMISSIONERS OF COUNTY-OWNED HOSPITAL FACILITIES AND EQUIPMENT TO A NONPROFIT CORPORATION, TO LIMIT THE LEASE TERM TO NINETY-NINE YEARS, TO PROVIDE FOR THE SELECTION OF THE MEMBERSHIP AND THE COMPOSITION OF THE INITIAL AND SUBSEQUENT GOVERNING BODIES AND THE FIXING OF TERMS FOR MEMBERS OF THE GOVERNING BODIES OF THE NONPROFIT CORPORATION, TO PROVIDE FOR INDIGENT CARE, TO PROVIDE FOR THE TRANSFER OF PATIENTS, STAFF AND EMPLOYEES, AND THE CONTINUED ADMINISTRATION OF TRUSTS, TO PROVIDE THE AMOUNT OF THE TRANSFER CONSIDERATION BETWEEN THE COUNTY AND THE NONPROFIT CORPORATION, TO PROVIDE THAT THE FACILITIES REVERT TO THE COUNTY IF THE FACILITIES ARE NOT USED AS NONPROFIT FACILITIES, AND TO EXEMPT THE TRANSFER FROM OTHER LAWS RELATING TO THE SALE AND DISPOSITION OF COUNTY PROPERTY.

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

SECTION 1. 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 31-3515A, Idaho Code, and to read as follows:

31-3515A. CONVEYANCE, LEASE OF COUNTY HOSPITAL TO NONPROFIT CORPORATION. (1) As an alternative to the procedure set forth in section 31-3515, Idaho Code, counties acting through their respective boards of county commissioners may convey or lease county hospitals, and the equipment therein, subject to the following conditions:

(a) The entity to which the hospital is to be transferred shall be a nonprofit corporation;

(b) No lease term shall exceed ninety-nine (99) years. This subsection supersedes that part of section 31-836, Idaho Code, which is inconsistent herewith;

(c) The governing body of the nonprofit corporation must be composed initially of the incumbent members of the board of hospital trustees, as individuals. The articles of incorporation must provide for a membership of the corporation which is:

(i) Broadly representative of the public and includes residents of each incorporated city in the county and of the unincorporated area of the county; or

(ii) A single nonprofit corporate member having articles of

incorporation which provide for a membership of that corporation which is broadly representative of the public and includes residents of each incorporated city in the county and of the unincorporated area of the county.

The articles must further provide for the selection of the governing body by the membership of the corporation, or exclusively by a parent corporation which is the corporate member, with voting power, and not by the governing body itself, except to fill a vacancy for the unexpired term. The articles must further provide that no member of the governing body shall serve more than two (2) consecutive three (3) year terms.

(d) The nonprofit corporation must provide care for indigent patients, and receive any person falling sick or maimed within the county.

(e) The transfer agreement must provide for the transfer of patients, staff and employees, and for the continuing administration of any trusts or bequests or maintenance of records pertaining to the existing public hospital.

(f) The transfer or lease agreement shall provide for a transfer or lease price which shall be either of the following:

(i) The acceptance of all assets and assumption of all liabilities; or

(ii) Such other price as the commissioners and the nonprofit corporation may agree.

(2) If any hospital which has been conveyed pursuant to this section ceases to be used as a nonprofit hospital, unless the premises so conveyed are sold and the proceeds used to erect or enlarge another nonprofit hospital for the county, the hospital so conveyed reverts to the ownership of the county. If any hospital which has been leased pursuant to this section ceases to be used as a nonprofit hospital, the lease shall terminate.

(3) The provisions of section 31-808, Idaho Code, with respect to the sale and disposition of real and personal property owned by the county, shall not apply to transactions covered by section 31-3515, Idaho Code, and this section.

Approved April 4, 1986.

CHAPTER 241
(H.B. No. 670, As Amended)

AN ACT

RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE FOREST PRACTICES ACT; AMENDING SECTION 38-1306, IDAHO CODE, TO PROVIDE THAT CERTAIN WOODLAND MANAGEMENT PLANS SHALL CONSTITUTE SUITABLE NOTIFICATION OF A FOREST PRACTICE, AND TO PROVIDE THAT THE OPERATOR, TIMBER OWNER, OR LANDOWNER MUST NOTIFY THE DEPARTMENT OF ANY CONTINUATION OF A FOREST PRACTICE BEYOND THE EXPIRATION OF A NOTIFICATION AND MUST OBTAIN A RENEWAL OF NOTIFICATION; AND AMENDING SECTION 38-1307, IDAHO CODE, TO PROVIDE THAT THE ATTORNEY GENERAL MAY ALSO

BRING CIVIL ACTIONS, TO CLARIFY THE LIEN PROVISIONS FOR VIOLATIONS OF THIS ACT, TO PROVIDE FOR A THIRTY DAY LIMITATION ON APPEALS OF STOP WORK ORDERS, TO PROVIDE A TIME LIMIT WHEN A PARTY MAY REQUEST AN ADMINISTRATIVE HEARING BEFORE THE STATE BOARD OF LAND COMMISSIONERS, AND TO PROVIDE THAT THE OPERATOR SHALL BEAR THE BURDEN OF PROVING THAT A CEASE AND DESIST REPAIR ORDER OR A STOP WORK ORDER ARE WITHOUT MERIT OR BASIS IN AN ADMINISTRATIVE HEARING BEFORE THE STATE BOARD OF LAND COMMISSIONERS.

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

SECTION 1. That Section 38-1306, Idaho Code, be, and the same is hereby amended to read as follows:

38-1306. NOTIFICATION OF FOREST PRACTICE. (1) Before commencing a forest practice, the department shall be notified as required by subsection (2) of this section. The notice shall be given by the operator; however, the timber owner or landowner satisfies the responsibility of the operator under this subsection. When more than one (1) forest practice is to be conducted in relation to harvesting of forest tree species, one (1) notice including each forest practice to be conducted shall be filed with the department.

~~(a)--Forest--practices-conducted-in-accordance-with-the-provisions of-a-woodlot-management-plan-approved-by-the-woodlot-foresters--of the-department-or-a-similar-woodlot-or-farm-or-ranch-plan-approved by--the-board-of-supervisors-of-a-soil-conservation-district-shall be-exempt-from-the-provisions-of-this-act.~~ A woodland management plan prepared by the woodland foresters of the department or approved by the board of supervisors of a soil conservation district shall constitute suitable notification of a forest practice when filed with the department, provided the woodland management plan contains the information required by subsection (2) of this section.

(2) The notification required by subsection (1) of this section shall be on forms prescribed and provided by the department and shall include the name and address of the operator, timber owner, and landowner, the legal description of the area in which the forest practice is to be conducted, and other information the department considers necessary for the administration of the rules adopted by the board under section 38-1304, Idaho Code. Promptly upon receipt of the notice, but not more than fifteen (15) days from receipt of the notice, the department shall mail a copy of the notice to whichever of the operator, timber owner, or landowner that did not submit the notification. The department shall make available to the operator, the timber owner, and landowner a copy of the rules.

(3) An operator, timber owner, or landowner, whichever filed the original notification, shall notify the department of any subsequent change in the information contained in the notification within thirty (30) days of the change. Promptly upon receipt of notice of change, but not to exceed fifteen (15) days from receipt of notice, the department shall mail a copy of the notice to whichever of the operator, timber owner, or landowner that did not submit the notice of

change.

(4) The notification is valid for a period not to exceed two (2) years from the date of original notification. At the expiration of the two (2) year period, if the forest practice is continuing, the notification shall be renewed annually using the same procedures provided for in this section.

(5) If the notification required by subsection (1) of this section indicates that at the expiration of two (2) years from the date of notification that the forest practice will be continuing, ~~the department~~ the operator, timber owner, or landowner, at least ~~sixty~~ thirty (~~60~~30) days prior to the expiration of the two (2) year period, shall notify the department and obtain a renewal of the notification. Promptly upon receipt of the request for renewal, but not to exceed fifteen (15) days from receipt of the request, the department shall mail a copy of the renewed notification to whichever of the operator, timber owner, or landowner~~, whichever filed the original notification, of the expiration date~~ that did not submit the request for renewal.

SECTION 2. That Section 38-1307, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(a) May issue an order directing the operator immediately to cease further violation and to commence and continue repairing the damage or correcting the unsatisfactory condition, hereinafter referred to as a "cease and repair order".

(b) If after two (2) working days from the delivery of a cease and repair order, the operator fails to cease further violation and to commence and continue repairing the damage or to enter into an agreement to repair pursuant to subsection (2)(d) of this section, in compliance with the order, the department may issue and serve an order directing the operator to cease all forest practices within the contract area, hereinafter referred to as a "stop work order".

(c) The department may initiate the remedies set forth in subsection (2)(e) of this section:

1. At any time after delivery of the stop work order, if the operator fails to immediately stop work in the contract area;

2. After five (5) days from the delivery of the stop work order, if the operator fails to comply fully with the cease and repair order; or

3. At any time after delivery of a notice of violation, if serious or irreparable damage will occur to land as a result of said violation, notwithstanding any other provisions of this chapter.

(d) An operator who has been served with a cease and repair order and who has completed his work in and removed all of his equipment from the contract area, or who cannot enter upon the land to repair the damage because of heavy snow, flooding, or similar serious condition upon the land, may comply with the order by entering into an agreement with the department to commence and thereafter continue to repair the damage within sixty (60) days after repair is practicable following heavy snow, flooding or similar serious condition upon the land.

(e) The department shall initiate the following remedies in accordance with subsection (2)(c) of this section:

1. The department shall estimate the costs of repair of the damage and reasonable administrative and legal fees to be expended in obtaining a judgment against the operator, and shall notify the operator, timber owner and landowner in writing of the amount of the estimate.

2. The county attorney for the county where the contract area is situated or the attorney general shall file an action to enjoin the operator's violations and to recover the costs of repair and ~~estimated~~ administrative and legal fees and/or to foreclose a lien against the operator as set forth in subsection (2)(e)3 of this section. Legal fees recovered in such an action shall accrue to the county attorney and the attorney general according to the proportionate time which each has expended in obtaining the judgment.

3. A priority lien shall attach to the real and personal property of the operator upon delivery to the operator of a stop work order for the amount not to exceed the estimated costs of repair and reasonable administrative and legal fees to be expended in foreclosing the lien. A written notice of the lien, containing a statement of the ~~demand---and itemization--of--expenditures-incurred,-the-date-incurred-and where-incurred~~ estimated costs of repair and reasonable administrative and legal fees, and the names of the parties against whom the lien attached, shall be certified under oath by the department and filed in the office of the county clerk and recorder of the county or counties where the real and personal property of the operator is located and where considered necessary to recover the estimated expenditures. This lien shall be perfected upon filing. This lien shall cease unless legal action is instituted within one (1) year from the date of filing of the notice of the lien.

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

(3) An operator dissatisfied with a stop work order ~~may:~~ ~~(a)--At--any--time--after--delivery-thereof~~ shall have thirty (30) days after service thereof to challenge the order, without administrative review thereof, in a court of proper jurisdiction in the county where the alleged damaged land is situated. In such an

action the operator shall bear the burden of proving that the cease and repair order and the stop work order are without merit or basis; or

~~(b)~~ shall have ten (10) days after service thereof to rRequest a hearing before the board ~~at its next regularly scheduled meeting~~, to challenge the merit or basis of either or both orders. In such an action, the operator shall bear the burden of proving that the cease and repair order and the stop work order are without merit or basis. If the board affirms the order(s), the operator may within thirty (30) days after the board's decision, appeal the decision to the district court for the county where the alleged damaged land is situated. ~~Said~~ The action in the district court shall be limited to appellate review.

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

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

Approved April 4, 1986.

CHAPTER 242
(H.B. No. 671, As Amended in the Senate)

AN ACT

RELATING TO LICENSING OF WATER RIGHTS; AMENDING SECTION 42-217, IDAHO CODE, TO PROVIDE THAT PROOF OF APPLICATION OF WATER TO BENEFICIAL USE SHALL INCLUDE FEES OR A FIELD EXAMINATION REPORT PREPARED BY A CERTIFIED WATER RIGHT EXAMINER AND TO REQUIRE A FEE FOR EXAMINING A WATER PROJECT FOR BENEFICIAL USE; AMENDING SECTION 42-221, IDAHO CODE, TO ESTABLISH A SCHEDULE OF FEES FOR THE BENEFICIAL USE EXAMINATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 42-217, Idaho Code, be, and the same is

hereby amended to read as follows:

42-217. PROOF OF APPLICATION TO BENEFICIAL USE. On or before the date set for the beneficial use of waters appropriated under the provisions of this chapter, the permit holder shall submit a statement that he has used such water for the beneficial purpose allowed by the permit. The statement shall include:

1. The name and post-office address of the permit holder.
2. The permit number.
3. A description of the extent of the use.
4. The source of the water used.
5. Such other information as shall be required by the blank form furnished by the department.

Such written proof as may be required to be submitted by such user shall be upon forms furnished by the department of water resources and shall include fees as provided in subsection K of section 42-221, Idaho Code, or a field examination report prepared by a certified water right examiner.

Upon receipt of such proof and the fee as required in section 42-221, Idaho Code, by the department of water resources the department shall examine, or cause to be examined:

1. The place where such water is diverted and used, and, if the use is for irrigation, he shall ascertain the area and location of the land irrigated and the nature of all the improvements which have been made as a direct result of such use.
2. The capacities of the ditches or canals or other means by which such water is conducted to such place of use, and the quantity of water which has been beneficially applied for irrigation or other purposes.

The department or the person making such examination under the direction of the department shall prepare and file a report of the investigation: provided, that whenever irrigation systems cover more than twenty-five thousand (25,000) acres, proof of beneficial use may be made by the persons, company or corporation constructing the irrigation works on behalf of the project, and in such cases, the lands upon which the water has been used need not be described by legal subdivisions, but may be described generally as the lands under the irrigation system, and it shall only be necessary to show in such cases that the quantity of water beneficially applied for irrigation has been applied within the limits of the project.

Holders of permits who have submitted proof of beneficial use but have not had their project examined for beneficial use shall submit the fee required in section 42-221, Idaho Code, within sixty (60) days of notification by the director of the department of water resources that a license examination fee is required. Failure to submit the fee in the time allowed shall be cause for the director to advance the date of priority of the permit one (1) day for each day that the fee is late; provided that if the fee is not fully paid within one (1) year of the time it is due, the director of the department of water resources may consider the proof of beneficial use for the permit to be incomplete and lapse the permit, as provided in section 42-218a, Idaho Code.

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.

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, 1988..$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.

K. For filing proof of beneficial use of water and requests for water right license examinations, a fee based upon the rate of diversion claimed in the proof of beneficial use:

1. For a quantity of 0.2 c.f.s. or less, or for a storage volume of 20 acre feet or less ..... $50.00 except no fee shall be charged for single family domestic use for which a permit is not required.

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 $100.00

3. For a quantity greater than 1.0 c.f.s., or for a storage volume greater than 100 acre feet ..... $100.00 plus $25.00 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 with a maximum fee not to exceed $600.00.

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.

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

Approved April 4, 1986.

CHAPTER 243
(H.B. No. 672)

AN ACT

RELATING TO LOG SCALING; AMENDING SECTION 38-1220A, IDAHO CODE, TO PROVIDE FOR CIVIL ENFORCEMENT ACTIONS AND PENALTIES; AMENDING SECTION 38-1221, IDAHO CODE, TO PROVIDE FOR THE ATTORNEY GENERAL TO COMMENCE CIVIL ENFORCEMENT ACTIONS.

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

SECTION 1. That Section 38-1220A, Idaho Code, be, and the same is hereby amended to read as follows:

38-1220A. INSPECTION -- INVESTIGATION -- VIOLATIONS -- ENFORCEMENT -- PENALTY. (a) The chairman of the state board of scaling practices shall cause investigations to be made upon the request of the board or upon receipt of information concerning an alleged violation of this act or of any rule, ~~or~~ regulation, order or license issued or promulgated thereunder, and may cause to be made such other investigations as ~~he~~ the chairman shall deem advisable.

(b) The chairman or ~~his~~ the chairman's designee shall have the authority to:

(1) Conduct a program of continuing surveillance and of regular or periodic inspection of log scaling sites.

(2) Enter at all reasonable times upon any private or public property for the purpose of inspecting or investigating to ascertain possible violations of this act or of any rules~~and~~, regulations~~--adopted--and~~, order or license issued or promulgated ~~by the board~~ thereunder.

(c) ~~If an investigation discloses--that--there--is--a--reasonable basis--for--believing--that--a--violation--exists,-the-director-or-his designee-shall-notify-the-prosecuting-attorney-of-the-county-or--counties--in-which-the-violation-is-alleged-to-have-been-committed-and-the prosecuting-attorney-shall-proceed-in--accordance--with~~ Whenever the chairman determines that any person or legal entity is in violation of any provisions of this act or any rule, regulation, order or license issued or promulgated pursuant to this act, the chairman may initiate a civil enforcement action through the attorney general and/or a criminal action through the prosecuting attorney as provided in section 38-1221, Idaho Code. Civil enforcement actions shall be commenced and prosecuted in the district court in and for the county in which the alleged violation occurred, and may be brought against any person or legal entity who is alleged to have violated any provisions of this act or any rule, regulation, order or license which has become effective pursuant to this act. Such action may be brought to compel compliance with any provisions of this act or any rule, regulation, order or license issued or promulgated hereunder and for any relief or remedies authorized in this act. Except as provided in section 38-1218, Idaho Code, the chairman shall not be required to initiate or prosecute an administrative action before initiating a civil enforcement action.

(d) Any person or legal entity determined in a civil enforcement action to have violated any provision of this act or any rule, regulation, order or license issued or promulgated pursuant to this act shall be liable for a civil penalty not to exceed five thousand dollars ($5,000) per violation or five hundred dollars ($500) for each day of a continuing violation, whichever is greater. The method of recovery of said penalty shall be by a civil enforcement action in the district court in and for the county where the violation occurred. All civil penalties collected under this act shall be paid into the state scaling account.

(e) In addition to such civil penalties, any person or legal entity who has been determined to have violated the provisions of this act or any rule, regulation, order or license issued or promulgated

pursuant to this act, shall be liable for any expense, including reasonable attorney's fees, incurred by the state in enforcing the act.

(f) No action taken pursuant to the provisions of this act shall relieve any person or legal entity from any civil action and damages that may exist for damage resulting from any violation of this act or any rule, regulation, order or license issued or promulgated thereunder.

SECTION 2. That Section 38-1221, Idaho Code, be, and the same is hereby amended to read as follows:

38-1221. COMMENCEMENT OF CIVIL ENFORCEMENT ACTIONS -- CRIMINAL ACTIONS AND PENALTIES AUTHORIZED -- DUTIES OF ATTORNEY GENERAL AND PROSECUTING ATTORNEYS. (a) Upon request of the board or the chairman, it shall be the duty of the attorney general to institute and prosecute civil enforcement actions as provided in section 38-1220A, Idaho Code. In addition, when deemed by the chairman to be necessary, the chairman may retain private counsel to institute and prosecute civil enforcement actions as provided in section 38-1220A, Idaho Code.

(b) In addition to the above, a~~A~~ny person who shall practice, or offer to practice log scaling in this state without being licensed, having a temporary permit or being an apprentice, in accordance with the provisions of this act or any rule, regulation, order or license issued or promulgated thereunder, or any person who shall attempt to use an expired or revoked certificate of registration or practice at any time during a period the board has suspended or revoked his certificate of registration, or any person who shall violate any of the provisions of this act or any rule, regulation, order or license issued or promulgated thereunder, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars ($100) nor more than five hundred dollars ($500).

The attorney general of this state or any assistant designated by him shall act as legal advisor of the board; and all criminal actions for violations of the provisions of this act shall be prosecuted by the prosecuting attorney of the county or counties in which the violations of the act may be committed.

Approved April 4, 1986.

CHAPTER 244
(H.B. No. 673)

AN ACT

RELATING TO NONRESIDENT FISHING LICENSES; AMENDING SECTION 36-407, IDAHO CODE, TO PROVIDE A NONRESIDENT THREE DAY FISHING LICENSE, AND TO PROVIDE FEES FOR SUCH LICENSE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-407, Idaho Code, be, and the same is hereby amended to read as follows:

36-407. NONRESIDENT FISHING, HUNTING, AND TRAPPING LICENSES -- FEES -- RIGHTS UNDER. Licenses of the fifth class shall be issued to nonresidents in the several kinds and for fees as follows:

(a) Nonresident Hunting License. A license issued only to a person twelve (12) years of age or older entitling said person to pursue, hunt, or kill game birds, small game animals, unprotected birds and animals and predatory birds and animals and to purchase game tags as provided in subsection 36-409(b), Idaho Code. A license of this kind may be had upon payment of seventy-five dollars ($75.00).

(b) Nonresident Season Fishing License. A license entitling a person to fish in the public waters of the state. A license of this kind may be had by persons fourteen (14) years of age or older upon payment of thirty-five dollars ($35.00).

(c) Nonresident Trapping License. A license entitling a person to trap fur-bearing, unprotected, and predatory animals. A license of this kind may be had upon payment of one hundred and fifty dollars ($150.00) providing the state of residence of said person grants similar trapping license privileges to residents of Idaho.

(d) Nonresident Nongame License. A license entitling a person to carry a shotgun or rifle for the protection of livestock, or to pursue, hunt and kill unprotected birds and animals and predatory birds and animals of this state. A license of this kind may be had by a nonresident person who is twelve (12) years of age or older upon payment of ten dollars ($10.00). This license shall be valid only during the period of January 1 to August 31 of the calendar year in which issued, unless verified by the director that the licensee requires such a license to authorize him to carry a shotgun or rifle for the protection of livestock, in which case said license shall be valid until December 31 of the year in which issued.

(e) Nonresident Ten Day Fishing License. A license entitling a person to fish in the waters of the state for a period of ten (10) consecutive days only. A license of this kind may be had upon payment of seventeen dollars ($17.00).

(f) Nonresident Three Day Fishing License. A license entitling a person to fish in the waters of the state for a period of three (3) consecutive days only. A license of this kind may be had upon payment of ten dollars ($10.00).

(g) Daily Fishing License -- Resident May Purchase. A license entitling a person to fish in the waters of the state on a day-to-day basis. A license of this kind may be had by a resident or nonresident person (the provisions of section 36-405, Idaho Code, notwithstanding), upon payment of five dollars ($5.00) per day for each effective day thereof.

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

Approved April 4, 1986.

CHAPTER 245
(H.B. No. 683)

AN ACT

RELATING TO THE DEFINITION FOR RESIDENT STATUS FOR INDIVIDUAL INCOME TAX PURPOSES; AMENDING SECTION 63-3013, IDAHO CODE, TO DEFINE THE TERM OF "RESIDENT" TAXPAYER.

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

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

63-3013. RESIDENT. The term "resident," for income tax purposes, means any individual who ~~during the taxable year has been domiciled in Idaho or has resided within the state of Idaho for the entire taxable year:~~

(a) Has resided in this state for the entire taxable year; or

(b) Is domiciled in the state of Idaho, except:

(1) An individual who has been absent from this state for at least four hundred forty-five (445) days in any consecutive fifteen (15) month period, and during such period at least two hundred fifty (250) days have been spent in a foreign country shall not be considered a resident of this state if he does not maintain a permanent place of abode in this state at which his spouse (unless he and his spouse are legally separated) or minor or dependent children are present for more than sixty (60) days during any calendar year.

(2) An individual who has been absent from this state for more than fifteen (15) consecutive months and who has not been present in this state for more than sixty (60) days during any calendar year following the end of the fifteen (15) month period shall not be considered a resident of this state for that calendar year if he does not maintain a permanent place of abode in this state at which his spouse, unless he and his spouse are legally separated, or minor or dependent children are residing for more than sixty (60) days during the calendar year and if he does not hold an elective or appointive office of the government of the United States (other than the armed forces of the United States or career appointees in the United States foreign service) and is not employed on the staff of an elective officer in the legislative branch of the government of the United States.

(3) In order to qualify under the exceptions set forth under paragraphs (1) and (2) above the individual must not be claiming Idaho as his tax home for federal income tax purposes.

Approved April 4, 1986.

CHAPTER 246
(H.B. No. 685, As Amended in the Senate)

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE IDAHO BEEF COUNCIL; AMENDING SECTION 25-2906, IDAHO CODE, TO PROVIDE THAT THE IDAHO BEEF COUNCIL SHALL CONFORM AND COMPLY WITH THE FEDERAL BEEF PROMOTION AND RESEARCH ORDER ISSUED BY THE UNITED STATES DEPARTMENT OF AGRICULTURE, AS LONG AS THE FEDERAL BEEF PROMOTION AND RESEARCH ORDER IS IN EFFECT; AMENDING SECTION 25-2907, IDAHO CODE, TO AUTHORIZE THE STATE BRAND INSPECTOR TO COLLECT STATE OR OTHER BEEF PROMOTION ASSESSMENTS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 25-2906, Idaho Code, be, and the same is hereby amended to read as follows:

25-2906. COUNCIL -- POWERS AND DUTIES. The council shall have the following powers and duties:

1. Conform and comply with the federal beef promotion and research order issued by the United States department of agriculture as long as the federal beef promotion and research order is in effect.

2. Conduct scientific research to discover and develop the commercial value of beef.

~~2~~3. Enter into contracts which it deems appropriate in carrying out the promotion of the cattle industry of this state.

~~3~~4. Sue and be sued as a council, without individual liability of the council members, when the council is acting within the scope of the powers of this act.

~~4~~5. Make grants, donations or contributions to any agency which will promote the cattle industry of this state on both a national, state or local level.

~~5~~6. Employ subordinate officers and employees of the council, prescribe their duties and fix their compensation.

~~6~~7. Accept grants, donations, contributions or gifts, from any source, for expenditures for any purpose consistent with the provisions of this act.

~~7~~8. Prepare each year a proposed budget of the council for the next succeeding fiscal year, and provide upon request a copy of this budget to any person who pays an assessment under this act.

~~8~~9. Adopt, rescind, modify or amend all proper functional regulations, orders and resolutions for the exercise of its powers and duties, which shall be provided to anyone upon request.

~~9~~10. Conduct public relation programs for beef and beef products.

SECTION 2. That Section 25-2907, Idaho Code, be, and the same is hereby amended to read as follows:

25-2907. ASSESSMENTS -- COLLECTION. (1) There is hereby levied and imposed upon all cattle an assessment of not more than fifty cents (50¢) per head, to be paid by the owner.

(2) The assessment imposed by this section shall be collected:

(a) Each time a change in ownership of cattle occurs.

(b) When Idaho cattle leave the state permanently even though no change in ownership occurs.

(3) The state brand inspector shall collect ~~said~~ state or other beef promotion assessments in addition to, at the same time and in the same manner as the fee charged for the state brand inspection. Such assessment so collected belongs to and shall be paid to the Idaho beef council, either directly or later by remittance together with a report. The council shall reimburse the state brand inspector for the reasonable and necessary expenses incurred for such collection, in an amount determined by the council and the inspector.

(4) The amount of the assessment collected on all cattle consigned for immediate sale to an Idaho public livestock market shall be: (a) the full amount of the assessment if no assessment has been paid in any other state within the prior ninety-six (96) hours; or (b) the difference between the full assessment and the assessment paid in any other state within the prior ninety-six (96) hours, if such other assessment is less than Idaho's full assessment; or (c) none, if a similar assessment has been paid in any other state within the prior ninety-six (96) hours that is equal to or greater than Idaho's full assessment.

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

Approved April 4, 1986.

CHAPTER 247
(H.B. No. 688)

AN ACT

RELATING TO DEPOSIT OF SECURITIES FOR PAYMENT OF WORKMEN'S COMPENSATION BENEFITS; AMENDING SECTION 41-317, IDAHO CODE, TO PERMIT SAVINGS CERTIFICATES AS DEPOSITS, AND TO PROVIDE FOR HOLDING SECURITIES IN THE FEDERAL RESERVE BOOK-ENTRY SYSTEM; AND AMENDING SECTION 72-302, IDAHO CODE, TO PROVIDE FOR HOLDING SECURITIES IN THE FEDERAL RESERVE BOOK-ENTRY SYSTEM.

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

SECTION 1. That Section 41-317, Idaho Code, be, and the same is hereby amended to read as follows:

41-317. SPECIAL DEPOSIT -- WORKMEN'S COMPENSATION INSURERS. (1) For authority to write workmen's compensation coverages in this state a foreign or alien insurer shall, in addition to any other requirement therefor under this code, deposit and maintain on deposit with the state treasurer of Idaho through the director cash, time certificate of deposit or savings certificates assigned to the state treasurer,

surety bond issued by someone other than the insurer, or securities eligible for deposit under section 41-803, Idaho Code, in the amount of not less than twenty-five thousand dollars ($25,000). The state treasurer of Idaho shall keep the same in a safe place provided by the state or in custody for his account with a bank, trust department or national bank in the state of Idaho as may be designated by the state treasurer. All costs and expenses incurred by virtue of such trust agreements with banks, trust departments or national banks, including the cost of clipping and forwarding interest coupons, shall be borne by the depositing insurer. Securities which are used to satisfy the requirements of this section may be held in the federal reserve book-entry system, as defined in section 41-2870(4), Idaho Code, and interests in such securities may be transferred by bookkeeping entry in the federal reserve book-entry system without physical delivery of certificates representing such securities.

(2) The deposit shall be so held in trust for the exclusive benefit of the holders of the obligations of the insurer under the workmen's compensation laws of this state, and shall remain with the state treasurer or in custody for his account to answer any default of the insurer as surety upon any such obligation as established by final judgment upon which execution may lawfully be issued against the insurer.

(3) The deposit shall be subject to the applicable provisions of chapter 8 of this title (administration of deposits).

SECTION 2. That Section 72-302, Idaho Code, be, and the same is hereby amended to read as follows:

72-302. REGULATION OF DEPOSIT WITH STATE TREASURER. The securities so deposited with the state treasurer shall be an exclusive trust for the benefit of the employees of the employers whose compensation liability is so secured, to remain with the treasurer in trust to answer any default of any employer, self-insured employer or surety upon any such obligation established by final judgment upon which execution may lawfully be issued against the employer or surety; the surety, however, at all times shall have the right to collect the interest, dividends and profits upon the securities, and from time to time to withdraw the securities or a portion thereof, substituting therefor others of equally good character and value, to the satisfaction of the commission, and the securities shall not be sold under any process against the surety until after thirty (30) days' notice to the surety, supplying the date, place and manner of sale, and the process under which and the purpose for which the sale is to be made, accompanied by a copy of the process. The surety shall not be permitted to withdraw from the state treasurer the deposits of money or bonds or permit the surety bonds to lapse for a period of one (1) year after discontinuing business within this state, or while any suit is pending or while any judgment against the surety in this state, or award against an employer whose compensation liability is secured by the surety, shall remain unpaid. Securities which are used to satisfy the requirements of this chapter may be held in the federal reserve book-entry system, as defined in section 41-2870(4), Idaho Code, and

interests in such securities may be transferred by bookkeeping entry in the federal reserve book-entry system without physical delivery of certificates representing such securities.

Approved April 4, 1986.

CHAPTER 248
(H.B. No. 692)

AN ACT

RELATING TO REPURCHASE OF FARM MACHINERY AND REPAIR PARTS UPON TERMINATION OF A CONTRACT; AMENDING SECTION 28-23-101, IDAHO CODE, TO INCLUDE PAROL CONTRACTS, SALES, OR SECURITY AGREEMENTS AND TO REQUIRE THAT THE REPURCHASE OF A STOCK OF PARTS SHALL INCLUDE COMPLETE OR WHOLE MACHINES; AMENDING SECTION 28-23-102, IDAHO CODE, TO PROVIDE FOR PAROL CONTRACTS, SALES, OR SECURITY AGREEMENTS, TO PROVIDE THAT SUPERSEDED PARTS INCLUDE PREVIOUSLY LISTED PARTS, TO PROVIDE THAT REFERENCE CATALOGS SHALL INCLUDE PREVIOUSLY USED CATALOGS, TO PROVIDE THAT WHOLESALERS SHALL HAVE FIFTEEN DAYS TO PROVIDE AN ADDRESS TO WHICH THE RETAILER SHALL RETURN THE MACHINERY OR PARTS, AND TO PROVIDE THAT PAYMENTS OR ALLOWANCES IF NOT PAID OR CREDITED WITHIN NINETY DAYS SHALL BEAR INTEREST.

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

SECTION 1. That Section 28-23-101, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-101. REPURCHASE OF FARM MACHINERY, IMPLEMENTS, ATTACHMENTS AND PARTS UPON TERMINATION OF CONTRACT AND OBLIGATION TO REPURCHASE. Whenever any person, firm, or corporation engaged in the business of selling and retailing farm implements and repair parts for farm implements enters into a written or parol contract, sales agreement or security agreement whereby the retailer agrees with any wholesaler, manufacturer, or distributor of farm implements, machinery, attachments or repair parts to maintain a stock of parts ~~or~~ which may include, but is not limited to, complete or whole machines, or attachments, and thereafter the written or parol contract, sales agreement or security agreement is terminated, cancelled or discontinued, then the wholesaler, manufacturer, or distributor shall pay to the retailer or credit to the retailer's account, if the retailer has outstanding any sums owing the wholesaler, manufacturer, or distributor, unless the retailer should desire and has a contractual right to keep such merchandise, a sum equal to one hundred per cent (100%) of the net cost of all unused complete farm implements, machinery and repair parts and stock of parts, attachments in new condition which have been purchased by the retailer from the wholesaler, manufacturer or distributor within the ~~twenty-four~~ thirty-six (~~24~~36) months immediately preceding notification by either party of intent to cancel or discontinue the contract, including the transportation charges to the retailer and from the retailer to the destination designated by the

wholesaler, manufacturer, or distributor, which have been paid by the retailer, or invoiced to retailer's account by the wholesaler, manufacturer or distributor.

SECTION 2. That Section 28-23-102, Idaho Code, be, and the same is hereby amended to read as follows:

28-23-102. REPURCHASE OF REPAIR PARTS. Whenever any person, firm, or corporation engaged in the business of selling and retailing farm implements and repair parts for farm implements enters into a written or parol contract, sales agreement or security agreement whereby the retailer agrees with any wholesaler, manufacturer, or distributor of farm implements, machinery, attachments or repair parts to maintain a stock of parts or complete or whole machines, or attachments, and thereafter the written or parol contract, sales agreement or security agreement is terminated, cancelled or discontinued, then the wholesaler, manufacturer, or distributor shall pay to the retailer or credit to the retailer's account, if the retailer has outstanding any sums owing the wholesaler, manufacturer, or distributor, unless the retailer should desire and has a contractual right to keep such merchandise, a sum equal to one hundred per cent (100%) of the current net prices, including the transportation charges from the retailer to the destination, which shall include a mailing address, designated by the wholesaler, manufacturer or distributor within fifteen (15) days of said termination, cancellation or discontinuance, which have been paid by the retailer, or invoiced to a retailer's account by the wholesaler, manufacturer or distributor, on repair parts, including superseded or previously included parts listed in current price lists or catalogs in use, or previously used within thirty-six (36) months prior to the latest parts price list issue date by the wholesaler, manufacturer or distributor on the date of cancellation or discontinuance of the contract, which parts had previously been purchased by the retailer from the wholesaler, manufacturer, or distributor and are held by the retailer on the date of the cancellation or discontinuance of the contract or thereafter received by the retailer from the wholesaler, manufacturer or distributor. The wholesaler, manufacturer, or distributor shall also pay the retailer or credit to his account a sum equal to five per cent (5%) of the current net price of all parts returned for the handling, packing, and loading of the parts back to the wholesaler, manufacturer, or distributor unless the wholesaler, manufacturer or distributor elects to perform inventorying, packing and loading of the parts itself. Upon the payment or allowance of credit to the retailer's account of the sum required by this section and section 28-23-101, the title to the farm implements, farm machinery, attachments or repair parts shall pass to the manufacturer, wholesaler or distributor making the payment or allowing the credit and the manufacturer, wholesaler or distributor shall be entitled to the possession of the farm implements, machinery, attachments or repair parts. All payments or allowances of credit due retailers under this section shall be paid or credited by the manufacturer, wholesaler, or distributor within ninety (90) days after the return of the farm implements, farm machinery, attachments, or repair parts.

After the ninety (90) days all sums of credits due shall include interest at the rate specified in section 28-22-104(1), Idaho Code. However, this section and section 28-23-101 shall not in any way affect any security interest which the wholesaler, manufacturer or distributor may have in the inventory of the retailer.

Approved April 4, 1986.

CHAPTER 249
(H.B. No. 696)

AN ACT

RELATING TO POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; AMENDING CHAPTER 1, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-108, IDAHO CODE, TO PROVIDE POWERS AND DUTIES OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE CONCERNING RAPESEED, TO PROVIDE FOR RULES AND REGULATIONS, TO PROVIDE FOR FEES, AND TO PROVIDE PENALTIES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 1, Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 22-108, Idaho Code, and to read as follows:

22-108. AUTHORITY AND DUTIES OF DIRECTOR CONCERNING RAPESEED. (1) In addition to other powers and duties, the director of the department of agriculture shall have regulatory authority to specify the varieties of rapeseed produced in the state and the geographical locations where each variety may be produced or stored. The director shall promulgate rules and regulations in compliance with chapter 52, title 67, Idaho Code, that may be necessary for the efficient enforcement of the provisions of this section and may prescribe grade and quality standards for rapeseed.

(2) The director may, by rule and regulation, establish a schedule of fees for services performed by the department in the administration of this section and rules and regulations promulgated pursuant thereto, and the director may levy a fee on each hundredweight of rapeseed produced in this state sufficient to defray the costs of administering the provisions of this section and rules and regulations promulgated pursuant thereto. Receipts of these fees shall be deposited in the agricultural inspection account created pursuant to section 22-105, Idaho Code, and shall be used, subject to annual appropriation of the legislature, to pay the cost of administering the provisions of this section and rules and regulations promulgated pursuant thereto.

(3) Every violation of the provisions of this section and any rules and regulations promulgated pursuant thereto shall be a misdemeanor and shall be punished by a fine not exceeding 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 April 4, 1986.

CHAPTER 250
(H.B. No. 726)

AN ACT

EXPRESSING LEGISLATIVE INTENT; AND APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 1987, 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 amount for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$15,312,800
Interagency Billing and Receipts Account	327,300
Probation and Parole Receipts Account	381,400
Penitentiary Income Account	805,000
Job Training Partnership Account	247,700
TOTAL	$17,074,200

SECTION 2. There is hereby appropriated to the Department of Correction the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. ADMINISTRATION:	
FROM:	
General Account	$ 1,418,200
Probation and Parole Receipts Account	22,600
TOTAL	$ 1,440,800
B. IDAHO STATE CORRECTIONAL INSTITUTION:	
FROM:	
General Account	$ 8,407,100
Penitentiary Income Account	805,000
Job Training Partnership Account	247,700
Interagency Billing and Receipts Account	100,600
TOTAL	$ 9,560,400
C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:	
FROM:	
General Account	$ 1,546,200
Interagency Billing and Receipts Account	80,000
TOTAL	$ 1,626,200
D. NORTH IDAHO CORRECTIONAL INSTITUTION:	
FROM:	

General Account	$ 1,324,600
E. PROBATION AND PAROLE:	
FROM:	
General Account	$ 2,512,400
Probation and Parole Receipts Account	358,800
Interagency Billing and Receipts Account	146,700
TOTAL	$ 3,017,900
F. PAROLE COMMISSION:	
FROM:	
General Account	$ 104,300
GRAND TOTAL	$17,074,200

Approved April 4, 1986.

CHAPTER 251
(H.B. No. 727)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 1987, DESIGNATING PROGRAM LIMITS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE OFFICE OF THE STATE BOARD OF EDUCATION.

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

SECTION 1. It is legislative intent that the expenditures for the State Board of Education for the Office of the State Board of Education not exceed the following amount for the period July 1, 1986, through June 30, 1987:

General Account	$ 770,800
Paul L. Fowler Scholarship Account	10,600
State Student Incentive Grant Account	253,100
TOTAL	$1,034,500

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts from the listed accounts to be expended for the designated programs for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. STATE BOARD OF EDUCATION:					
General Account	$ 17,500	$ 35,200			$ 52,700
B. GENERAL ADMINISTRATION:					
General Account	$368,800	$ 80,000	$2,700		$ 451,500
C. SCHOLARSHIPS AND GRANTS:					
General Account				$266,600	$ 266,600

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Paul L. Fowler Scholarship Account		$ 800		9,800	10,600
State Student Incentive Grant Account				253,100	253,100
TOTAL		$ 800		$529,500	$ 530,300
GRAND TOTAL	$386,300	$116,000	$2,700	$529,500	$1,034,500

SECTION 3. There is hereby reappropriated to the State Board of Education for the Office of the State Board of Education, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 97, Laws of 1985, to be used for nonrecurring expenditures only, for fiscal year 1987.

Approved April 4, 1986.

CHAPTER 252
(H.B. No. 728)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR JUNIOR COLLEGE SUPPORT FOR FISCAL YEAR 1987; AND AMENDING SECTION 59-1115, IDAHO CODE, TO STRIKE THE REQUIREMENT TO PAY THE JUNIOR COLLEGE DISTRICTS' SHARE OF SOCIAL SECURITY PAYMENTS FROM STATE APPROPRIATIONS.

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

SECTION 1. There is hereby appropriated to the State Board of Education for junior college support the following amount, to be expended for the period July 1, 1986, through June 30, 1987:

FROM:

General Account $5,337,600

SECTION 2. That Section 59-1115, Idaho Code, be, and the same is hereby amended to read as follows:

59-1115. EMPLOYER'S PORTION OF SOCIAL SECURITY TAX FOR SCHOOL DISTRICT PERSONNEL ~~AND--JUNIOR-COLLEGE-DISTRICT-PERSONNEL~~. The state board of education shall include in the budget request for general account appropriations an amount necessary to fund the employer's share of social security tax for school district personnel~~,--and--an amount--necessary--to-fund-the-employer's-share-of-social-security-tax for-junior-college-district-personnel~~. The board of trustees of each class of school district, at such times as prescribed by the state

auditor, shall compute and certify the amount of money required for the payment of the employer's social security tax for its personnel to the state auditor, who shall promptly transfer such amount from the appropriation made for that purpose to the social security trust account. ~~The--board--of--trustees-of-each-junior-college-district,-at such-times-as-prescribed-by-the-state-auditor,-shall-compute-and--certify--the--amount--of-money-required-for-the-payment-of-the-employer's social-security-tax-for-its-personnel-to-the-state-auditor,-who--shall promptly--transfer--such--amount--from-the-appropriation-made-for-that purpose-to-the-social-security-trust-account.~~

Approved April 4, 1986.

CHAPTER 253
(H.B. No. 731)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 207, LAWS OF 1985; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 89, LAWS OF 1985; AND APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR DEPOSIT IN THE GOVERNOR'S EMERGENCY FUND IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 261, LAWS OF 1985; 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 207, Laws of 1985, there is hereby appropriated to the Department of Agriculture 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, 1985, through June 30, 1986:

A. PLANT INDUSTRIES:

FROM:	
General Account	$319,000
FOR:	
Pest Eradication - Operating Expenses	$319,000

SECTION 2. In addition to the appropriation made by Section 2, Chapter 89, Laws of 1985, there is hereby appropriated to the Department of Lands the following amounts to be expended for the named programs according to the designated expense class from the listed accounts for the period July 1, 1985, through June 30, 1986:

A. LANDS AND RANGE RESOURCES MANAGEMENT:

FROM:	
General Account	$50,000
FOR:	
Trustee Benefit Payments	$50,000

B.FOREST AND RANGE FIRE PROTECTION:

FROM:	
General Account	$274,700
Timber Fire Protection Account	44,500
TOTAL	$319,200
FOR:	
Trustee Benefit Payments	$319,200

SECTION 3. In addition to the appropriation made by Section 1, Chapter 261, Laws of 1985, there is hereby appropriated to the Office of the Governor for deposit in the Governor's Emergency Fund the following amount to be expended according to the designated expense class and Section 57-1601, Idaho Code, from the listed account for the period July 1, 1985, through June 30, 1986:

FROM:	
General Account	$100,000
FOR:	
Trustee Benefit Payments	$100,000

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

Approved April 4, 1986.

CHAPTER 254
(H.B. No. 733)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE ON AGING, FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Office on Aging the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987.

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Account	$102,700	$ 47,200	$ 823,300	$ 973,200
Office on Aging Account	302,800	207,200	4,199,900	4,709,900
TOTAL	$405,500	$254,400	$5,023,200	$5,683,100

Approved April 4, 1986.

CHAPTER 255
(H.B. No. 734)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 1987; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE OFFICE OF THE GOVERNOR FOR THE DIVISION OF FINANCIAL MANAGEMENT.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Division of Financial Management the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$911,600
Interagency Billing and Receipts Account	58,600
TOTAL	$970,200

SECTION 2. There is hereby reappropriated to the Office of the Governor for the Division of Financial Management, any unexpended and unencumbered balance of the General Account appropriated by Section 1, Chapter 212, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures only.

Approved April 4, 1986.

CHAPTER 256
(H.B. No. 735)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD FOR FISCAL YEAR 1987; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the State Library Board the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
STATE LIBRARY SERVICES:					
FROM:					
General Account	$826,300	$392,100	$ 93,600	$ 26,200	$1,338,200

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Library Services and Construction Act Account	55,000	77,000	18,000	595,200	745,200
Access Project Public Library Account				25,000	25,000
Interagency Billing and Receipts Account		10,000	7,000	8,000	25,000
TOTAL	$881,300	$479,100	$118,600	$654,400	$2,133,400

SECTION 2. There is hereby reappropriated to the State Board of Education for the Idaho State Library Board any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 260, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures only.

Approved April 4, 1986.

CHAPTER 257
(H.B. No. 736)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE COMMISSION ON HUMAN RIGHTS, FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Commission on Human Rights the following amounts, to be expended according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$126,600	$70,200		$196,800
Human Rights Account	61,400	29,100	$5,500	96,000
TOTAL	$188,000	$99,300	$5,500	$292,800

Approved April 4, 1986.

CHAPTER 258
(H.B. No. 737)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE WAMI MEDICAL EDUCATION PROGRAM FOR FY 1987; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE WAMI MEDICAL EDUCATION PROGRAM.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho for the WAMI Medical Education Program the following amounts, to be expended according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Account	$209,000	$33,700	$ 500	$1,592,200	$1,835,400
Interagency Billing and Receipts Account	84,000	12,800	9,800	124,400	231,000
TOTAL	$293,000	$46,500	$10,300	$1,716,600	$2,066,400

SECTION 2. It is legislative intent that the number of reserved first-year seats for Idaho students in the WAMI Medical Education Program be reduced from the current twenty (20) seats to fifteen (15) seats beginning in the fall semester of 1987.

Approved April 4, 1986.

CHAPTER 259
(H.B. No. 738)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE AGRICULTURAL RESEARCH/COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 1987; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR AGRICULTURAL RESEARCH/COOPERATIVE EXTENSION SERVICE PROGRAM.

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

SECTION 1. There is hereby appropriated to the Board of Regents of the University of Idaho the following amounts for the Agricultural Research/Cooperative Extension Service Program from the listed accounts, for the period July 1, 1986, through June 30, 1987:

FROM:

General Account	$10,470,000
Hatch Account	1,291,100
Regional Research Account	531,700
Farm Safety Account	20,000
Smith-Lever Account	2,135,800
Interagency Billing and Receipts Account	179,400
TOTAL	$14,628,000

SECTION 2. There is hereby reappropriated to the Board of Regents of the University of Idaho for the Agricultural Research/Cooperative Extension Service Program, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 1, Chapter 102, Laws of 1985, to be used for nonrecurring expenditures only, for fiscal year 1987.

Approved April 4, 1986.

CHAPTER 260
(H.B. No. 742)

AN ACT

RELATING TO COUNTY-WIDE HIGHWAY DISTRICTS; AMENDING CHAPTER 14, TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 40-1416, IDAHO CODE, TO AUTHORIZE THE VOTERS OF A COUNTY-WIDE HIGHWAY DISTRICT TO AUTHORIZE THE DISTRICT TO IMPOSE AND COLLECT MOTOR VEHICLE REGISTRATION FEES, TO PROVIDE FOR SUBMITTING THE QUESTION TO THE VOTERS, TO PROVIDE FOR COLLECTION AND ADMINISTRATION OF FEES, AND TO PROVIDE FOR THE USE OF FEES RECEIVED.

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

SECTION 1. That Chapter 14, 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 40-1416, Idaho Code, and to read as follows:

40-1416. AUTHORIZATION FOR VOTERS TO APPROVE VEHICLE REGISTRATION FEE. (1) Notwithstanding the provisions of section 49-202, Idaho Code, the voters of any county in which a county-wide highway district is organized pursuant to chapter 14, title 40, Idaho Code, may authorize the county-wide highway district to adopt a resolution by a majority vote of the county-wide highway district commissioners to implement and collect a motor vehicle registration fee not to exceed two (2) times the amount which the county assessor currently collects, pursuant to section 49-126, Idaho Code. The authorization to adopt, implement, and collect a vehicle registration fee may be made by the registered voters of the county only at a general election held in even-numbered years, and a simple majority of the votes cast on the question shall be necessary to authorize the fee. The question must be submitted to the voters on a ballot separate and distinct from any other ballot question being voted on at that election, and must be

separate and distinct from the ballot or ballots for candidates.

(2) In any election, the resolution submitted to the county voters shall:

(a) State the exact rate of the fee; and

(b) State the duration of the fee.

No rate shall be increased and no duration shall be extended without the approval of the voters, by the same simple majority of the votes cast.

An election to approve or disapprove the adoption of a vehicle registration fee may be called for by the adoption of a resolution by a majority vote of the county-wide highway district commissioners. Any costs incurred to conduct the election for the district shall be a charge against the district, and shall be paid by the district.

(3) Any county-wide highway district authorized to adopt a resolution for a vehicle registration fee shall contract with the county in which the county-wide highway district is located for the collection, distribution, and administration of the fee in like manner, and under the definitions, rules, and regulations for the collection and administration of other registration fees as set forth in chapter 1, title 49, Idaho Code. Monthly, following receipt by the county assessor of revenues from the implementation of a vehicle registration fee, the county assessor shall remit the same to the county-wide highway district implementing such fee, less a deduction for such amount as may be agreed upon between the county commissioners and the commissioners of the county-wide highway district, for the county assessor's actual costs for collection and administration of the fee. The vehicle registration fee shall not be remitted to the state treasury nor become part of the state highway account or state highway distribution account.

(4) The county-wide highway district must use the funds generated by a vehicle registration fee exclusively for the construction, repair, maintenance, and traffic supervision of the highways within its jurisdiction, and the payment of interest and principal of obligations incurred for said purposes.

Approved April 4, 1986.

CHAPTER 261
(H.B. No. 746)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE WOI-REGIONAL PROGRAM IN VETERINARY MEDICINE FOR FY 1987, 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 WOI-Regional Program in Veterinary Medicine not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FOR:	
Instruction	$1,186,200
Research	112,300
TOTAL	$1,298,500
FROM:	
General Account	$ 933,400
Interagency Billing and Receipts Account	365,100
TOTAL	$1,298,500

SECTION 2. There is hereby appropriated to the Board of Regents of the University of Idaho for the WOI-Regional Program in Veterinary Medicine the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. INSTRUCTION:				
FROM:				
General Account	$ 811,300	$ 48,000		$ 859,300
Interagency Billing and Receipts Account	162,300	150,000	$14,600	326,900
TOTAL	$ 973,600	$198,000	$14,600	$1,186,200
II. RESEARCH:				
FROM:				
General Account	$ 71,600	$ 2,500		$ 74,100
Interagency Billing and Receipts Account	36,200	2,000		38,200
TOTAL	$ 107,800	$ 4,500		$ 112,300
GRAND TOTAL	$1,081,400	$202,500	$14,600	$1,298,500

Approved April 4, 1986.

CHAPTER 262
(H.B. No. 747)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE SPECIAL HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 1987, AND DESIGNATING PROGRAM LIMITS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE UNIVERSITY OF UTAH MEDICAL EDUCATION PROGRAM.

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

SECTION 1. It is legislative intent that the expenditures for the Special Health Education Programs not exceed the following amounts from the listed accounts for the period July 1, 1986, through June 30, 1987:

FOR:

PSEP-WICHE-University of Utah Medical Education Program	$565,500
IDEP-Idaho Dental Education Program	278,700
Family Practice Residency Program	50,000
TOTAL	$894,200
FROM:	
General Account	$846,300
Interagency Billing and Receipts Account	47,900
TOTAL	$894,200

SECTION 2. There is hereby appropriated to the State Board of Education for the Special Health Education Programs the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. PSEP-WICHE-UNIVERSITY OF UTAH MEDICAL EDUCATION PROGRAM:				
FROM:				
General Account			$565,500	$565,500
II. IDEP-IDAHO DENTAL EDUCATION PROGRAM:				
FROM:				
General Account	$41,000	$3,300	$186,500	$230,800
Interagency Billing and Receipts Account	47,900			47,900
TOTAL	$88,900	$3,300	$186,500	$278,700
III. FAMILY PRACTICE RESIDENCY PROGRAM:				
FROM:				
General Account			$ 50,000	$ 50,000
GRAND TOTAL	$88,900	$3,300	$802,000	$894,200

SECTION 3. It is legislative intent that the number of reserved first-year seats for Idaho students in the University of Utah Medical Education Program be reduced from the current five seats to four seats, beginning in the fall semester of 1987.

Approved April 4, 1986.

CHAPTER 263
(H.B. No. 748)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 1987; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR THE DIVISION OF VOCATIONAL REHABILITATION.

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

SECTION 1. It is legislative intent that the appropriation for the Division of Vocational Rehabilitation not exceed the following amounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$1,996,800
Federal Vocational Rehabilitation Account	5,287,400
Interagency Billing and Receipts Account	80,600
TOTAL	$7,364,800

SECTION 2. 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 according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. RENAL DISEASE:	
FROM:	
General Account	$ 344,300
FOR:	
Trustee and Benefit Payments	$ 344,300
B. VOCATIONAL REHABILITATION:	
FROM:	
General Account	$1,652,500
Federal Vocational Rehabilitation Account	5,287,400
Interagency Billing and Receipts Account	80,600
TOTAL	$7,020,500
FOR:	
Personnel Costs	$2,696,200
Operating Expenditures	616,000
Capital Outlay	25,000
Trustee and Benefit Payments	3,683,300
TOTAL	$7,020,500
GRAND TOTAL	$7,364,800

SECTION 3. 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 2, Chapter 259, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures only.

Approved April 4, 1986.

CHAPTER 264
(H.B. No. 750)

AN ACT

RELATING TO STATE PURCHASING; AMENDING SECTION 67-5718, IDAHO CODE, TO PROVIDE PROCEDURES FOR NOTICE OF INTENT TO PROCURE PROPERTY;

AMENDING SECTION 67-5720, IDAHO CODE, TO PROVIDE FOR NOTICE OF SOLE SOURCE PROCUREMENT; AMENDING SECTION 67-5730, IDAHO CODE, TO PROVIDE FOR BIENNIAL REGISTRATION OF VENDORS, AND TO PROVIDE FOR THE REMOVAL OF VENDORS FROM THE LIST OF QUALIFIED VENDORS; AMENDING SECTION 67-5733, IDAHO CODE, TO PROVIDE FOR A CHALLENGE TO A SOLE SOURCE PROCUREMENT; PROVIDING FOR A SCHEDULE OF IMPLEMENTATION; AND APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FROM THE GENERAL ACCOUNT.

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

SECTION 1. That Section 67-5718, Idaho Code, be, and the same is hereby amended to read as follows:

67-5718. REQUISITIONS FOR PROPERTY -- NOTICE -- FORM -- GUARANTEE -- PROCEDURE FOR BIDDING. The administrator of the division of purchasing shall not make or cause to be made any acquisition until a requisition for the property to be acquired has been filed in his office, and such requisition must bear the certificate of the head of the agency making the requisition that there are proper funds or sufficient balance in appropriations out of which the amount of the requisition may lawfully be paid, except as provided to the contrary under provisions of this chapter allowing emergency purchases.

If the property to be acquired may reasonably be expected to cost in excess of five thousand dollars ($5,000) if purchased, or two hundred dollars ($200) per month if procured, there must be accompanying the requisition a copy of the specifications proposed for use in the acquisition. Upon receipt of the requisition, notice must be commenced within a reasonable period of time and must allow not less than ten (10) days from notice to bid opening date.

Provided, however, that in cases where the total value of the property to be acquired is not in excess of five thousand dollars ($5,000) if purchased, or two hundred dollars ($200) per month if procured, the administrator shall notify registered vendors in such manner as he deems appropriate, and if he finds that it is impractical or impossible to obtain ~~three~~ two (~~3~~2) bids for the proposed transaction, he may acquire the property in any manner he deems best. For any acquisition not otherwise requiring specifications, the same may be required by regulation drawn by the administrator.

Provided further, however, that in connection with the award of any contract for the placement of any order for state printing, binding, engraving or stationery work, the provisions of sections 60-101 and 60-103, Idaho Code, shall apply to the extent that the same may be inconsistent with any requirements contained in this section.

Notice shall be sent to each registered vendor of the property to be acquired, except that if there are more than ~~twenty~~ ten (~~2~~10) registered vendors for the property to be acquired, the administrator of the division of purchasing may, in his discretion, limit the notices sent to ~~twenty~~ ten (~~2~~10). Nothing shall prevent all registered vendors from bidding on the property to be acquired. The administrator shall cause all invitations to bid to be posted in a conspicuous place in his office.

The notice shall describe the property to be acquired in sufficient detail to apprise a bidder of the exact nature or functionality of the property required; and shall give the time when, and the place where, bids will be opened. The bid opening date shall be set forth in the specifications. Each bid shall be in writing, sealed and marked, "sealed bid for ...., to be opened ...., 19.." and shall be mailed or delivered to the office of the administrator of the division of purchasing at Boise, Idaho.

All sealed bids received shall be opened at the time and place specified in the invitation for bids, and in the public view, and a record of each bid shall then and there be made. Contracts shall be awarded to and orders placed with the lowest responsible bidder. The administrator shall have the right to reject any and all bids pursuant to rules and regulations established for the division.

Where both the bids and quality of property offered are the same, preference shall be given to property of local and domestic production and manufacture.

SECTION 2. That Section 67-5720, Idaho Code, be, and the same is hereby amended to read as follows:

67-5720. ACQUISITION OF MINOR ITEMS -- EMERGENCY PURCHASES. The administrator may allow, under rules and regulations prescribed, the purchase of minor items of property in the open market, provided such items are not available from the maintenance of stocks authorized by section 67-5727, Idaho Code. When immediate delivery of property is required by the public exigencies and the administrator of the division of purchasing has declared that an emergency exists, the property required may be acquired by open purchase, but at all times such purchases shall be made under the direction of the administrator. The administrator may, in his discretion, declare an emergency when he finds that particular savings to the state may be had through the use of educational discounts, acquisition of federal surplus or excess property, when there is only one (1) vendor for the property to be acquired, or under other circumstances approved by the director of the department of administration. When there is only one (1) vendor for the property to be acquired, unless the property is required for a life-threatening situation or a situation that is immediately detrimental to the public welfare or property, notice of a sole source procurement shall be published in a public, statewide publication at least ten (10) working days prior to the award of the contract. Payment vouchers for emergency acquisitions must contain upon their faces the justification for such purchases.

SECTION 3. That Section 67-5730, Idaho Code, be, and the same is hereby amended to read as follows:

67-5730. REGISTRATION OF VENDORS -- RULES AND PROCEDURE -- FAILURE TO BID -- DISQUALIFICATION OF VENDORS -- NOTICE. (1) No vendor shall be allowed to submit a bid unless such vendor is qualified and has registered prior to the time of the bid opening. ~~All--vendors--are qualified--unless--disqualified.~~ Qualified vendors shall be registered

at any time upon request and submission of information required by rule and regulation of the administrator of the division of purchasing which shall include, but not be limited to, the following: name of the vendor, an official address and telephone number at which to receive notices from the administrator of the division of purchasing and a list of the property which the vendor would sell or supply to the state, and this list may be stated in terms of a general class of property in place of a specific itemization. A ten dollar ($10.00) biennial registration fee shall accompany the request, which moneys shall be deposited in the general ~~fund~~ account of the state treasury.

Notice of renewal shall be mailed to the registered vendor at least sixty (60) days prior to the expiration date of the vendor's registration. Failure to renew the registration and pay the biennial registration fee shall result in removal of the vendor from the list of qualified vendors.

Registered vendors may be removed from the list of registered vendors for failure to participate by submitting a bid in five (5) consecutive acquisitions of property which such vendor is registered to supply to the state, and for which the vendor has been notified of intended acquisition. A vendor so removed shall be given notice of removal and shall be eligible for re-registration at any time unless otherwise disqualified.

(2) Vendors may be disqualified for any of the following reasons:

(a) Failure to perform according to the terms of any agreement;

(b) Attempts by whatever means to cause acquisition specifications to be drawn so as to favor a specific vendor;

(c) Use of the provisions of this chapter to obstruct or unreasonably delay acquisitions by the state. Obstruction is hereby defined as a lack of success in more than fifty per cent (50%) of the specification challenges made in each of three (3) different acquisitions during any twenty-four (24) month period;

(d) ~~Prejury~~ Perjury in a vendor disqualification hearing;

(e) To knowingly violate the provisions of this chapter.

(3) A vendor shall be notified by registered mail within ten (10) days of disqualification and may, within thirty (30) days of the receipt of such notice, request of the director of the department of administration a hearing before a determinations officer. Any hearings shall be held in accordance with chapter 52, title 67, Idaho Code.

(4) In lieu of disqualification, the determinations officer may recommend to the director of the department of administration specific conditions to the vendor's continued participation in acquisitions by the state.

(5) Disqualification or conditions may be imposed for a period of not less than six (6) months or not more than five (5) years.

SECTION 4. That Section 67-5733, Idaho Code, be, and the same is hereby amended to read as follows:

67-5733. ADMINISTRATIVE APPEALS. (1) (a) There shall be, beginning with the day of receipt of notice, a period of not more than ten (10) working days in which any vendor, registered as able to sell or supply the items to be acquired, may notify in writing the adminis-

trator of the division of purchasing of his intention to challenge the specifications and briefly explain the nature of his challenge. Such vendor shall issue a specific challenge to the specifications within not more than ten (10) additional working days. The specific challenge shall describe the location of the challenged portion or clause in the specification document, unless the challenge concerns an omission, explain why any provision should be struck, added or altered, and contain suggested corrections. All registered vendors who were invited to bid on the property sought to be acquired shall be sent a copy of both the notice to challenge and the specific challenge and may indicate in writing their agreement or disagreement with the challenge within five (5) days. Any registered vendor may note his agreement or disagreement with the challenge.

Upon receipt of the challenges and responses the administrator of the division of purchasing shall make the corrections suggested or he shall present the matter to the director of the department of administration for the appointment of a determinations officer. The determinations officer, after hearing, if requested in writing by a registered vendor capable of supplying the property or on his own motion, shall refer the challenged portion and any related portions to the author of the specification to be rewritten with the advice and comments of the registered vendors capable of supplying the property and/or reject all or any part of any challenge. If specifications are to be rewritten, the matter shall be continued until the officer makes a final determination of the acceptability of the revised specifications.

The administrator shall reset the bid opening no later than thirty (30) days after a final determination of challenges or the amendment of specifications.

The final decision of the determinations officer or administrator on the challenge to specifications shall not be considered a contested case within the meaning of the administrative procedure act; provided that a vendor disagreeing with specifications may include such disagreement as a reason for asking for appointment of a determinations officer pursuant to section 67-5733(1)(c), Idaho Code.

(b) There shall be, beginning with the day of receipt of notice of rejection, a period of five (5) working days in which a bidder whose bid was rejected may appeal such rejection to a determinations officer. A rejected bidder within the meaning of this act is a bidder whose bid is not considered for any reason and shall not apply to a vendor whose bid is considered but who is determined not to be the lowest responsible bidder as defined in this act. The director shall appoint a determinations officer to hear the appeal and shall upon receipt of a written recommendation from the determinations officer, sustain, modify or reverse the administrator's decision not to consider a bid.

(c) A vendor whose bid is considered may, within five (5) working days following receipt of notice that he is not the lowest responsible bidder, apply to the director of the department of administration for appointment of a determinations officer. The application shall set forth in specific terms the reasons why the administrator's decision is thought to be erroneous. Upon receipt of the application, the

director shall within three (3) working days:

(i) Deny the application, and such denial shall be considered the final agency decision; or

(ii) Appoint a determinations officer to review the record to determine whether the administrator's selection of the lowest responsible bidder is correct; or

(iii) Appoint a determinations officer with authority to conduct an adversary hearing within the context of the administrative procedure act.

A determinations officer appointed pursuant to section 67-5733(1)(c)(ii), Idaho Code, shall inform the director by written recommendation whether, in his opinion, the administrator's selection of the lowest responsible bidder is correct. The determinations officer in making this recommendation may rely on the documents of record, statements of employees of the state of Idaho participating in any phase of the selection process, and statements of any vendor submitting a bid. An adversary hearing shall not be allowed and the determinations officer shall not be required to solicit statements from any person. Upon receipt of the recommendation from the determinations officer, the director shall sustain, modify or reverse the decision of the administrator on the selection of the lowest responsible bidder or the director may appoint a determinations officer pursuant to section 67-5733(1)(c)(iii), Idaho Code.

A determinations officer appointed pursuant to section 67-5733(1)(c)(iii), Idaho Code, shall prepare findings of fact and conclusions of law for the director of the department of administration. Upon receipt of the findings of fact and conclusions of law, the director shall sustain, modify or reverse the decision of the administrator on the selection of the lowest responsible bidder.

(d) In the case of a sole source procurement, there shall be a period of not more than five (5) working days from the last date of public notice in which any vendor, able to sell or supply the item(s) to be acquired, may notify the administrator of the division of purchasing, in writing, of his intention to challenge the sole source procurement and briefly explain the nature of the challenge.

Upon receipt of the challenge, the director shall appoint a determinations officer to hear the challenge and, upon receipt of the written recommendation of the determinations officer, sustain, modify or reverse the approval for the sole source procurement. If unregistered, the vendor issuing the challenge shall be required to register as a vendor to the state.

(e) The administrator of the division of purchasing may, on his own initiative, file a complaint with the director for a hearing before a determinations officer. The director shall appoint a determinations officer who shall make written recommendations to the director and the director shall render whatever decision is necessary to resolve the complaint.

(2) The director of the department of administration is hereby authorized and directed to appoint a determinations officer whenever one is required by this act. The officer shall meet and render whatever determination is called for. When a complaint is filed pursuant to section 67-5733(1)(b), Idaho Code, no bid may be awarded until the

final decision is rendered by the director of the department of administration; provided that in all other cases where a determinations officer is appointed by the director, the director shall have the power to allow the acquisition contract to be awarded to the successful bidder prior to or after the decision of the determinations officer if he determines such award to be in the best interest of the state. Any determinations officer appointed pursuant to this act shall exist only for the duration of unresolved complaints on an acquisition and shall be dismissed upon resolution of all such complaints. The determinations officer shall be guided in his determination by the best economic interests of the state for both the near future and more extended periods of time. In addition to the powers conferred on the determinations officer, the director of the department of administration may: impose the penalty prescribed by section 67-5734(3), Idaho Code; enjoin any activity which violates this act; direct that bids be rejected, or sustained; direct that specifications be rejected, sustained or modified; and direct further legal action.

(3) A challenge filed pursuant to section 67-5733(1)(a), Idaho Code, shall not be considered to be a contested case as that term is defined in the administrative procedure act, provided that all other final decisions rendered by the director of the department of administration pursuant to section 67-5733, Idaho Code, shall be considered to be contested cases as that term is defined in the administrative procedure act.

SECTION 5. The administrator of the division of purchasing shall initiate the registration renewal process authorized in section 67-5730, Idaho Code, as quickly as possible following July 1, 1986, and shall utilize a process to allow the renewals to be spread as uniformly as practicable across the biennium. Vendors currently registered shall remain registered unless they fail to renew registration when requested or are otherwise disqualified, at which time the vendor shall be removed from the list of registered vendors.

SECTION 6. There is hereby appropriated to the Department of Administration solely for the purposes of this act, the sum of $30,000 from the General Account.

Approved April 4, 1986.

CHAPTER 265
(H.B. No. 751)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 1987, AND DESIGNATING PROGRAM LIMITS; AND APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 1987.

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 amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:

General Account	$10,420,000
Idaho Travel and Convention Account	22,900
Highway Suspense Account	914,300
Fish and Game Suspense Account	5,900
Hotel & Motel Tax Suspense Account	6,600
United States Olympic Account	11,000
Multi-State Tax Compact Account	90,800
Interagency Billing and Receipts Account	36,500
Unclaimed Property Account	138,800
Drug Enforcement Account	3,000
Children's Trust Account	5,600
TOTAL	$11,655,400

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, 1986, through June 30, 1987:

A. ADMINISTRATION AND SUPPORT:

FROM:

General Account	$ 1,189,000
Highway Suspense Account	118,500
Interagency Billing and Receipts Account	8,600
Idaho Travel and Convention Account	7,400
Fish and Game Suspense Account	4,200
United States Olympic Account	4,200
Drug Enforcement Account	1,500
Children's Trust Account	2,800
Hotel/Motel Tax Suspense Account	2,400
TOTAL	$ 1,338,600

B. AUDIT AND COLLECTIONS:

FROM:

General Account	$ 7,679,500
Interagency Billing and Receipts Account	4,500
Highway Suspense Account	795,800
Hotel/Motel Tax Suspense Account	4,200
Fish and Game Suspense Account	1,700
United States Olympic Account	6,800
Idaho Travel and Convention Account	15,500
Unclaimed Property Account	138,800
Drug Enforcement Account	1,500
Children's Trust Account	2,800
TOTAL	$ 8,651,100

C. AD VALOREM:

FROM:

General Account	$ 1,039,300
Interagency Billing and Receipts Account	23,400
TOTAL	$ 1,062,700

D. MULTI-STATE TAX COMPACT:
FROM:
Multi-State Tax Compact Account $ 90,800
E. UNIFORM ASSESSMENT:
FROM:
General Account $ 512,200

GRAND TOTAL $11,655,400

SECTION 3. There is hereby appropriated to the Board of Tax Appeals the following amount from the listed account for the period July 1, 1986, through June 30, 1987:
FROM:
General Account $46,200

Approved April 4, 1986.

CHAPTER 266
(H.B. No. 753)

AN ACT
APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 1987; AND APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR A "BROADCASTING EQUIPMENT CHALLENGE GRANT" AND PROVIDING GRANT GUIDELINES.

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

SECTION 1. There is hereby appropriated to the State Board of Education for the Idaho Educational Public Broadcasting System the following amounts, according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
General Account	$472,000	$149,000	$ 621,000
Corporation for Public Broadcasting	348,000	526,300	874,300
TOTAL	$820,000	$675,300	$1,495,300

SECTION 2. There is hereby appropriated from the General Account to the State Board of Education an amount not to exceed $100,000 for the period July 1, 1986, through September 30, 1987. This appropriation shall be administered by the State Board of Education as a "Broadcasting Equipment Challenge Grant" for the Idaho Educational Public Broadcasting System, and is contingent on adherence to the guidelines set forth in this section.

At such time that the total amount of gifts and contributions received by the Idaho Educational Public Broadcasting System during

the period July 1, 1986, through June 30, 1987, exceeds $950,000, the System may request allotment of a like amount of such excess from the appropriation provided herein, not to exceed the maximum amount provided in the appropriation.

It is legislative intent that the combined gifts and contributions to the Idaho Educational Public Broadcasting System in excess of $950,000 may be used to equally match this appropriation, not to exceed the maximum amount provided for the purpose of securing federal matching funds for broadcasting equipment through the Corporation for Public Broadcasting. This appropriation is made available to the Idaho Educational Public Broadcasting System through the State Board of Education to the extent that the guidelines are met and the final amount of gifts and contributions is determined by a formal audit authorized by the State Board of Education.

Approved April 4, 1986.

CHAPTER 267
(H.B. No. 759)

AN ACT

RELATING TO THE EMERGENCY MEDICAL SERVICES FEE; AMENDING SECTION 49-159, IDAHO CODE, TO INCREASE THE EMERGENCY MEDICAL SERVICES FEE; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE EMERGENCY MEDICAL SERVICES PROGRAM FOR FISCAL YEAR 1987.

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

SECTION 1. That Section 49-159, Idaho Code, be, and the same is hereby amended to read as follows:

49-159. EMERGENCY MEDICAL SERVICES FEE. An emergency medical services fee of ~~fifty~~ seventy-five cents ($.75~~0~~) shall be collected in addition to each motor vehicle registration tax or fee amount collected under the provisions of sections 49-126 and 49-127, Idaho Code, with the exception of those vehicles proportionally registered under section 49-127B, Idaho Code. All collections shall be transmitted to the state treasurer for deposit in the emergency medical services account created by section 39-146, Idaho Code.

SECTION 2. There is hereby appropriated to the Department of Health and Welfare the following amount, to be expended for the Emergency Medical Services Program from the listed account for the period July 1, 1986, through June 30, 1987:

FROM:

Emergency Medical Services Account	$250,000

Approved April 4, 1986.

CHAPTER 268
(H.B. No. 760)

AN ACT
APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Idaho Transportation Department the following amount, to be expended for the designated program according to the designated expense class from the listed account for the period July 1, 1986, through June 30, 1987:

A. GENERAL SUPPORT:	
FOR:	
Operating Expenses	$1,102,500
FROM:	
State Highway Account	$1,102,500

Approved April 4, 1986.

CHAPTER 269
(H.B. No. 761)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. ADMINISTRATION:	
FROM:	
Park & Recreation Account	$ 16,900
Motorbike Recreation Account	15,000
TOTAL	$ 31,900
B. RECREATION RESOURCES:	
FROM:	
State Snowmobile Account	$ 60,000
Motorbike Recreation Account	69,600
TOTAL	$129,600
GRAND TOTAL	$161,500

Approved April 4, 1986.

CHAPTER 270
(H.B. No. 764)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 1987; AND AMENDING SECTION 49-3209, IDAHO CODE, TO PROVIDE FOR DEPOSIT OF FUNDS IN THE PARK AND RECREATION ACCOUNT.

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

SECTION 1. There is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended for the designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. ADMINISTRATION:	
FROM:	
Park & Recreation Account	$ 208,000
B. RECREATION RESOURCES:	
FROM:	
State Vessel Account	$ 870,000
TOTAL	$1,078,000

SECTION 2. That Section 49-3209, Idaho Code, be, and the same is hereby amended to read as follows:

49-3209. REMITTANCE OF FEES. All moneys or fees collected by the assessor for certificates of registration shall be deposited with the county treasurer not later than the fifteenth day of the month following the calendar month in which the fees were collected. Fifty percent (50%) of all fees shall be credited to the county current expense fund and beginning May 1, 1986, fifty percent (50%) of the fees shall be transmitted to the treasurer of the state of Idaho and be deposited in the ~~highway distribution~~ park and recreation account.

Approved April 4, 1986.

CHAPTER 271
(S.B. No. 1491)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Supreme Court the following amount, from the listed account, for the period July 1, 1986, through June 30, 1987, to pay for judicial expenses as indicated in Section 42-1777, Idaho Code.

FROM:

Water Resources Adjudication Account $60,000

Approved April 3, 1986.

CHAPTER 272
(S.B. No. 1487, As Amended in the House)

AN ACT
RELATING TO SALARIES OF STATE ELECTIVE OFFICERS; AMENDING SECTION 59-501, IDAHO CODE, TO PROVIDE SALARIES OF STATE ELECTIVE OFFICERS COMMENCING ON THE FIRST MONDAY IN JANUARY, 1987.

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

SECTION 1. That Section 59-501, Idaho Code, be, and the same is hereby amended to read as follows:

59-501. SALARIES OF STATE ELECTIVE OFFICERS -- REGULAR PAYMENT -- TRAVELING EXPENSES -- FEES PROPERTY OF STATE. The governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and superintendent of public instruction shall, during their continuance in office, and commencing on the first Monday in January, 198~~3~~7 receive for their services compensation as follows:

Governor, $5~~0~~5,000 per annum;

Lieutenant governor, $1~~4~~5,000 per annum;

Secretary of state, $~~37,5~~45,000 per annum;

State auditor, $~~37,5~~45,000 per annum; said salary to be audited by the legislative auditor;

Attorney general, $4~~2~~8,000 per annum;

State treasurer, $~~37,5~~45,000 per annum; and

State superintendent of public instruction, $~~37,5~~45,000 per annum.

Such compensation shall be paid on regular pay periods as due out of the state treasury, and shall be in full for all services by said officers respectively rendered in any official capacity or employment whatever during their respective terms of office; but no increase of compensation shall affect the salaries of such officers during their present terms of office; provided, however, that the actual and necessary expenses of the governor, lieutenant governor, secretary of state, attorney general, state auditor, state treasurer, and superintendent of public instruction while traveling within the state, or between points within the state, in the performance of official duties, shall be allowed and paid by the state; not however, exceeding such sum as shall be appropriated for such purpose.

Actual and necessary subsistence expenses of the governor while traveling in connection with the performance of official duties are hereby expressly exempted from the provisions of sections 67-2007 and 67-2008, Idaho Code. (Standard Travel Pay and Allowance Act of 1949).

No officer named in this section shall receive, for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them, of any official duty,

shall be collected in advance and deposited with the state treasurer to the credit of the state.

Approved April 3, 1986.

CHAPTER 273
(S.B. No. 1484)

AN ACT

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 1987; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR THE EXPERIMENTAL PROGRAM FOR STIMULATING COMPETITIVE RESEARCH (EPSCOR); APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE IDAHO GEOLOGICAL SURVEY FOR FISCAL YEAR 1987; APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR FOREST UTILIZATION RESEARCH FOR FISCAL YEAR 1987; MAKING CERTAIN CODE PROVISIONS SPECIFICALLY AVAILABLE TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR FISCAL YEAR 1987 ONLY; AND REAPPROPRIATING CERTAIN MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO.

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

SECTION 1. There is hereby appropriated 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 amount from the listed accounts, to be expended for the designated program for the period July 1, 1986, through June 30, 1987:

FOR:	
General Education Programs	$112,309,400
FROM:	
General Account	$ 90,400,000
State Endowment Funds	5,447,000
Interagency Billing and Receipts Account	16,462,400
TOTAL	$112,309,400

The General Account appropriation in this section includes $2,500,000 for nonrecurring library acquisitions and equipment replacement.

SECTION 2. There is hereby appropriated from the General Account to the State Board of Education and the Board of Regents of the University of Idaho the following amount, to be expended for the designated program for the period July 1, 1986, through June 30, 1987:

FOR:
Experimental Program for Stimulating Competitive Research (EPSCOR) $300,000

SECTION 3. There is hereby appropriated to the Board of Regents of the University of Idaho the following amount from the General Account, to be expended for the designated program for the period July 1, 1986, through June 30, 1987:
FOR:
Idaho Geological Survey $305,400

SECTION 4. There is hereby appropriated to the Board of Regents of the University of Idaho the following amount from the General Account, to be expended for the designated program for the period July 1, 1986, through June 30, 1987:
FOR:
Forest Utilization Research $107,000

SECTION 5. 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 1987 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

SECTION 6. There is hereby reappropriated to the State Board of Education and the Board of Regents of the University of Idaho for Boise State University, Idaho State University, Lewis-Clark State College and the University of Idaho, any unexpended and unencumbered balances of the moneys appropriated by Section 1, Chapter 163, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures.

Approved April 3, 1986.

CHAPTER 274
(S.B. No. 1483)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Endowment Fund Investment Board, the following amount, to be expended from the listed accounts for the period July 1, 1986, through June 30, 1987:
FROM:

General Account	$212,900
Interagency Billing and Receipts Account	53,600
TOTAL	$266,500

Approved April 3, 1986.

CHAPTER 275
(S.B. No. 1482)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 1987; EXEMPTING CONSTRUCTION AUTHORIZED IN THIS ACT FROM THE PROVISIONS OF SECTION 67-5711, IDAHO CODE; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF PARKS AND RECREATION.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Parks and Recreation not exceed the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:

General Account	$2,187,800
Cross-Country Skiing Account	21,100
Park & Recreation Capital Improvement Account	709,100
Park & Recreation Account	798,700
Waterways Improvement Account	350,000
Park Donation Account	5,300
Lava Hot Springs Foundation Account	503,700
Off-Road Motor Vehicle Account	319,900
State Snowmobile Account	170,000
Lucky Peak Concession Account	8,000
Motorbike Recreation Account	5,400
Parks and Recreation Federal Account	5,800
Recreational Vehicle Account	223,300
Coast Guard Boat Safety Account	131,400
Federal Pass-Through Account	1,500,000
Federal Surcharge Account	329,400
Harriman State Park Account	106,400
TOTAL	$7,375,300

SECTION 2. There is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

I. ADMINISTRATION:

FROM:

General Account	$ 393,500
Park & Recreation Account	94,400

Parks and Recreation Capital Improvement Account	39,900
Federal Surcharge Account	117,800
TOTAL	$ 645,600
II. PARK OPERATIONS:	
FROM:	
General Account	$1,611,000
Park & Recreation Capital Improvement Account	419,200
Park & Recreation Account	645,500
Lucky Peak Concession Account	8,000
Park Donation Account	5,300
Harriman State Park Account	106,400
TOTAL	$2,795,400
III. PARK DEVELOPMENT:	
FROM:	
General Account	$ 138,400
Park & Recreation Capital Improvement Account	250,000
Park & Recreation Account	13,900
TOTAL	$ 402,300
IV. RECREATION RESOURCES:	
FROM:	
General Account	$ 44,900
Park & Recreation Account	44,900
Waterways Improvement Account	350,000
Off-road Motor Vehicle Account	319,900
State Snowmobile Account	170,000
Motorbike Recreation Account	5,400
Federal Pass-Through Account	1,500,000
Cross-Country Skiing Account	21,100
Park & Recreation Federal Account	5,800
Federal Surcharge Account	211,600
Recreational Vehicle Account	223,300
Coast Guard Boat Safety Account	131,400
TOTAL	$3,028,300
V. LAVA HOT SPRINGS FOUNDATION:	
FROM:	
Lava Hot Springs Foundation Account	$ 503,700
GRAND TOTAL	$7,375,300

SECTION 3. Construction authorized under the provisions of this act, to include all preliminary matters through completion of construction, is expressly exempt from the provisions of Section 67-5711, Idaho Code.

SECTION 4. Any General Account unexpended and unencumbered balances existing on June 30, 1986, from the appropriation made by Section 1, Chapter 85, Laws of 1985, to the Department of Parks and Recreation, are hereby reappropriated to the Department of Parks and Recreation for fiscal year 1987.

Approved April 3, 1986.

CHAPTER 276
(S.B. No. 1481)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT FOR DEPOSIT IN THE PUBLIC HEALTH TRUST ACCOUNT FOR FISCAL YEAR 1987; APPROPRIATING MONEYS FROM THE PUBLIC HEALTH TRUST ACCOUNT FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated from the listed account the following amount, to be deposited in the Public Health Trust Account for the designated purpose for the period July 1, 1986 through June 30, 1987:

FOR:	
Public Health District Programs	$2,313,100
FROM:	
General Account	$2,313,100

SECTION 2. There is hereby appropriated out of the listed account, the following amount for the designated purpose for the period July 1, 1986 through June 30, 1987:

FOR:	
Public Health District Programs	$2,313,100
FROM:	
Public Health Trust Account	$2,313,100

Approved April 3, 1986.

CHAPTER 277
(S.B. No. 1480)

AN ACT

EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN TRANSFERS BY THE STATE AUDITOR; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE FOR FISCAL YEAR 1987 AND DESIGNATING PROGRAM LIMITS.

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

SECTION 1. It is legislative intent that $25,000 shall be transferred by the State Auditor from the Apple Commission Account to the Agriculture Department Inspection Account for the purpose of apple maggot trapping and detection.

SECTION 2. It is legislative intent that the expenditures for the Department of Agriculture not exceed the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:

General Account	$1,391,400
Dedicated Accounts	7,933,800
TOTAL	$9,325,200

SECTION 3. There is hereby appropriated to the Department of Agriculture the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

A. ADMINISTRATION:

FROM:

General Account	$ 228,800
Agriculture Department Inspection Account	171,400
Rural Rehabilitation Account	170,400
TOTAL	$ 570,600

B. ANIMAL INDUSTRY:

FROM:

General Account	$ 292,800
Livestock Disease Control & T.B. Indemnity Account	473,900
Dairy Industry and Inspection Account	270,800
Livestock Dealer License Account	4,500
TOTAL	$1,042,000

C. PLANT INDUSTRY:

FROM:

General Account	$ 213,100
Agriculture Department Inspection Account	626,600
Bee Inspection Account	15,800
Commercial Feed and Fertilizer Account	303,400
Pesticide Account	398,400
TOTAL	$1,557,300

D. AGRICULTURAL INSPECTIONS:

FROM:

General Account	$ 614,700
Agriculture Department Inspection Account	146,200
Fresh Fruit and Vegetable Inspection Account	5,034,000
Egg Inspection Account	94,800
Public Livestock Market Account	6,400
Wheat Statistics Account	10,200
TOTAL	$5,906,300

E. SHEEP COMMISSION:

FROM:

General Account	
- For Animal Disease	$ 28,000
- For Animal Damage Control	14,000
Sheep Commission Account	195,000
TOTAL	$ 237,000

F. HONEY ADVERTISING COMMISSION:

FROM:

Idaho Honey Advertising Account	$ 12,000
GRAND TOTAL	$9,325,200

Approved April 3, 1986.

CHAPTER 278
(S.B. No. 1477)

AN ACT

APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR THE CIRCUIT BREAKER TAX RELIEF PROGRAM FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the State Tax Commission for the Circuit Breaker Tax Relief Program the following amount, to be expended for the designated expense class from the listed account for the period July 1, 1986, through June 30, 1987:

FOR:	
Trustee and Benefit Payments	$3,188,000
FROM:	
General Account	$3,188,000

Approved April 3, 1986.

CHAPTER 279
(S.B. No. 1476)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 1987 AND DESIGNATING PROGRAM LIMITS; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE SPECIAL LITIGATION PROGRAM; 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, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$2,660,200
Operating Expenditures	461,400
Capital Outlay	37,300
TOTAL	$3,158,900
FROM:	
General Account	$1,615,400
Interagency Billing and Receipts Account	1,543,500
TOTAL	$3,158,900

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, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. STATE LEGAL SERVICES:				
FROM:				
General Account	$1,162,400	$250,700	$ 2,300	$1,415,400
Interagency Billing and Receipts Account	1,497,800	10,700	35,000	1,543,500
TOTAL	$2,660,200	$261,400	$37,300	$2,958,900
B. SPECIAL SERVICES LITIGATION:				
FROM:				
General Account		$ 50,000		$ 50,000
C. RESERVED WATER RIGHTS TECHNICAL STUDIES:				
General Account		$150,000		$ 150,000
GRAND TOTAL	$2,660,200	$461,400	$37,300	$3,158,900

SECTION 3. It is legislative intent that the appropriation contained in the Special Litigation Program be expended for private legal representation, when required due to ethical conflict, or for special expertise when needed.

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 the provisions of Chapter 36, Title 67, Idaho Code, and Section 67-3516, Idaho Code.

Approved April 3, 1986.

CHAPTER 280
(S.B. No. 1473)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 1987, AND DESIGNATING PROGRAM LIMITS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF LANDS.

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

SECTION 1. It is legislative intent that the expenditures for the Department of Lands not exceed the following amount from the listed accounts for the period July 1, 1986, through June 30, 1987:

FROM:	
General Account	$ 5,436,400
Interagency Billing and Receipts Account	68,000
Scaling Practices Account	185,300

Forest & Range Conservation Account	9,800
Land Commissioners Scaling Trust Account	565,700
Forest Management Account	1,686,400
U.S. Clark-McNary Account	1,329,400
Soil Erosion Control Account	382,500
Insect Disease Control Account	290,700
Mining Bond Forfeiture Account	6,700
Clearwater Potlatch Timber Protection Association Account	1,547,800
Southern Idaho Timber Protection Association Account	363,100
10% Grazing Lease Account	193,200
10% Recreation Lease Account	45,100
10% Timber Lease Account	2,368,700
Lands Federal Account	266,700
Oil and Gas Commission Account	3,500
Site Restoration Account	157,500
TOTAL	$14,906,500

SECTION 2. There is hereby appropriated to the Department of Lands the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1986, through June 30, 1987:

I. SUPPORTING SERVICES:

FROM:	
General Account	$ 903,900
Interagency Billing and Receipts Account	26,000
U.S. Clark-McNary Account	225,800
Forest Management Account	60,100
Lands Federal Account	33,400
TOTAL	$ 1,249,200

II. FOREST RESOURCES MANAGEMENT:

FROM:	
General Account	$ 1,649,600
Land Commissioners Scaling Trust Account	565,700
Insect Disease Control Account	290,700
Site Restoration Account	157,500
10% Timber Lease Account	2,368,700
Lands Federal Account	118,300
TOTAL	$ 5,150,500

III. LAND, RANGE AND MINERAL RESOURCE MANAGEMENT:

FROM:	
General Account	$ 1,164,100
Interagency Billing and Receipts Account	42,000
10% Grazing Lease Account	193,200
Oil and Gas Commission Account	3,500
Mining Bond Forfeiture Account	6,700
10% Recreation Lease Account	45,100
TOTAL	$ 1,454,600

IV. FOREST & RANGE FIRE PROTECTION:

FROM:	
General Account	$ 1,368,100
Forest & Range Conservation Account	9,800
U.S. Clark-McNary Account	1,103,600

TOTAL	$ 2,481,500
V. HAZARD MANAGEMENT & EROSION CONTROL:	
FROM:	
Forest Management Account	$ 1,626,300
Soil Erosion Control Account	382,500
Clearwater Potlatch Timber Protection Association Account	1,547,800
Southern Idaho Timber Protection Association Account	363,100
TOTAL	$ 3,919,700
VI. SOILS & WATER MANAGEMENT:	
FROM:	
General Account	$ 350,700
Lands Federal Account	115,000
TOTAL	$ 465,700
VII. SCALING PRACTICES:	
FROM:	
Scaling Practices Account	$ 185,300
GRAND TOTAL	$14,906,500

SECTION 3. There is hereby reappropriated to the Department of Lands any unexpended and unencumbered balances of the General Account moneys appropriated by Section 2, Chapter 89, Laws of 1985, for the period July 1, 1986, through June 30, 1987, to be used for nonrecurring expenditures only.

Approved April 3, 1986.

CHAPTER 281
(S.B. No. 1469)

AN ACT
APPROPRIATING MONEYS TO THE GOVERNOR-ELECT TRANSITIONAL ACCOUNT.

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

SECTION 1. There is hereby appropriated to the Governor-Elect Transitional Account, as provided in Section 67-813, Idaho Code, the amount of $15,000 from the General Account.

Approved April 3, 1986.

CHAPTER 282
(S.B. No. 1465)

AN ACT
RELATING TO FILING DOCUMENTS; AMENDING CHAPTER 1, TITLE 73, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 73-121, IDAHO CODE, TO REQUIRE THAT CERTAIN DOCUMENTS BE IN ENGLISH OR BE ACCOMPANIED BY

A CERTIFIED TRANSLATION.

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

SECTION 1. That Chapter 1, Title 73, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 73-121, Idaho Code, and to read as follows:

73-121. CERTAIN DOCUMENTS TO BE IN ENGLISH. Any document, certificate or instrument required to be filed, recorded or endorsed by any officer of this state, or of any county, city or district in this state, shall be in the English language or shall be accompanied by a certified translation in English.

Approved April 3, 1986.

CHAPTER 283
(S.B. No. 1462)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Department of Commerce to be expended according to the designated expense classes from the listed accounts for the period July 1, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:				
General Account	$278,900	$ 64,000		$ 342,900
Idaho Travel and Convention Account	167,900	1,036,700	$1,036,800	2,241,400
Idaho Development and Publicity Account		128,300		128,300
Economic and Community Affairs Account	152,700	88,900	8,623,000	8,864,600
TOTAL	$599,500	$1,317,900	$9,659,800	$11,577,200

Approved April 3, 1986.

CHAPTER 284
(S.B. No. 1453)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 1987; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO MAGISTRATE POSITIONS.

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, 1986, through June 30, 1987:

FROM:	
General Account	$10,329,800
Interagency Billing and Receipts Account	77,800
TOTAL	$10,407,600

SECTION 2. It is legislative intent that of the amount appropriated in Section 1, an amount not to exceed $2,500 may be used at the discretion of the Chief Justice, and an amount not to exceed $1,000 may be used by each of the other justices to assist in defraying expenses relating to or resulting from the discharge of their 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.

SECTION 3. It is legislative intent that of the amount appropriated in Section 1, $69,100 shall be allocated by the Supreme Court for upgrades of nonlawyer magistrate positions to lawyer magistrate positions, and that such upgrades will be based on factors of need, including case load, county population, numbers of resident attorneys, circuit coverage from other counties and consolidation of positions.

Approved April 3, 1986.

CHAPTER 285
(S.B. No. 1439, As Amended)

AN ACT

RELATING TO THE FURNISHING OF ALCOHOLIC BEVERAGES; AMENDING CHAPTER 8, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-808,

IDAHO CODE, TO LIMIT CERTAIN DRAM SHOP AND SOCIAL HOST LIABILITY, TO ESTABLISH A STATE POLICY IN RESPECT TO SUCH LIABILITY, AND TO PROVIDE WHEN A CAUSE OF ACTION MAY BE BROUGHT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 8, 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 23-808, Idaho Code, and to read as follows:

23-808. LEGISLATIVE FINDING AND INTENT -- CAUSE OF ACTION. (1) The legislature finds that it is not the furnishing of alcoholic beverages that is the proximate cause of injuries inflicted by intoxicated persons and it is the intent of the legislature, therefore, to limit dram shop and social host liability; provided, that the legislature finds that the furnishing of alcoholic beverages may constitute a proximate cause of injuries inflicted by intoxicated persons under the circumstances set forth in subsection (3) of this section.

(2) No claim or cause of action may be brought by or on behalf of any person who has suffered injury, death or other damage caused by an intoxicated person against any person who sold or otherwise furnished alcoholic beverages to the intoxicated person, except as provided in subsection (3) of this section.

(3) A person who has suffered injury, death or any other damage caused by an intoxicated person, may bring a claim or cause of action against any person who sold or otherwise furnished alcoholic beverages to the intoxicated person, only if:

(a) The intoxicated person was younger than the legal age for the consumption of alcoholic beverages at the time the alcoholic beverages were sold or furnished and the person who sold or furnished the alcoholic beverages knew or ought reasonably to have known at the time the alcoholic beverages were sold or furnished that the intoxicated person was younger than the legal age for consumption of the alcoholic beverages; or

(b) The intoxicated person was obviously intoxicated at the time the alcoholic beverages were sold or furnished, and the person who sold or furnished the alcoholic beverages knew or ought reasonably to have known that the intoxicated person was obviously intoxicated.

(4) (a) No claim or cause of action pursuant to subsection (3) of this section shall lie on behalf of the intoxicated person nor on behalf of the intoxicated person's estate or representatives.

(b) No claim or cause of action pursuant to subsection (3) of this section shall lie on behalf of a person who is a passenger in an automobile driven by an intoxicated person nor on behalf of the passenger's estate or representatives.

(5) No claim or cause of action may be brought under this section against a person who sold or otherwise furnished alcoholic beverages to an intoxicated person unless the person bringing the claim or cause of action notified the person who sold or otherwise furnished alco-

holic beverages to the intoxicated person within one hundred eighty (180) days from the date the claim or cause of action arose by certified mail that the claim or cause of action would be brought.

(6) For the purposes of this section, the term "alcoholic beverage" shall include alcoholic liquor as defined in section 23-105, Idaho Code, beer as defined in section 23-1001, Idaho Code, and wine as defined in section 23-1303, 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 3, 1986.

CHAPTER 286
(S.B. No. 1419, As Amended)

AN ACT

RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT; AMENDING SECTION 37-2732, IDAHO CODE, TO PROVIDE FOR COURT-ORDERED RESTITUTION TO THE LAW ENFORCEMENT AGENCIES FOR INVESTIGATIVE COSTS; AMENDING SECTION 37-2744, IDAHO CODE, TO PROVIDE FOR FORFEITURES OF MONEY OR CURRENCY TO INCLUDE ITEMS EASILY LIQUIDATED TO CASH AND PROCEEDS, TO PROVIDE FOR FORFEITURES OF PROPERTY FOUND IN CLOSE PROXIMITY TO ILLICIT CONTROLLED SUBSTANCES AND PROCEEDS, AND TO PROVIDE FOR DESTRUCTION OF DRUG AND NONDRUG EVIDENCE ON-SITE; AMENDING CHAPTER 27, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-2744A, IDAHO CODE, TO PROVIDE AUTHORITY TO THE DEPARTMENT OF LAW ENFORCEMENT TO RECEIVE DONATIONS FROM FEDERAL ENFORCEMENT AGENCIES AND PRIVATE CITIZENS FOR DEPOSIT INTO THE DRUG ENFORCEMENT DONATION ACCOUNT; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 37-2732, Idaho Code, be, and the same is hereby amended to read as follows:

37-2732. PROHIBITED ACTS A -- PENALTIES. (a) Except as authorized by this ~~act~~ <u>chapter</u>, 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~~ chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(1) Any person who violates this subsection with respect to:

(A) a counterfeit substance classified in schedule I which is a narcotic drug, or a counterfeit substance classified in schedule II, is guilty of a felony and upon conviction may be imprisoned for not more than fifteen (15) years, fined not more than twenty-five thousand dollars ($25,000), or both;

(B) any other counterfeit substance classified in schedule I which is a nonnarcotic drug contained in schedule I or a counterfeit substance contained in schedule III, is guilty of a felony and upon conviction may be imprisoned for not more than five (5) years, fined not more than fifteen thousand dollars ($15,000), or both;

(C) a counterfeit substance classified in schedule IV, is guilty of a felony and upon conviction may be imprisoned for not more than three (3) years, fined not more than ten thousand dollars ($10,000), or both;

(D) a counterfeit substance classified in schedule V or a noncontrolled counterfeit substance, is guilty of a misdemeanor and upon conviction may be imprisoned for not more than one (1) year, fined not more than five thousand dollars ($5,000), or both.

(c) It is unlawful for any person to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this ~~act~~ chapter.

(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 sched-

ules 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 marijuana, 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) (1) It is unlawful for any person to manufacture or distribute a "simulated controlled substance," or to 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.

(2) It is unlawful for any person to possess 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 three hundred dollars ($300) and not more than six (6) months 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 manufacturers, 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.

(k) Upon conviction of a felony violation under this chapter, the court may order restitution for costs incurred by law enforcement agencies in investigating the violation. Law enforcement agencies shall include, but not be limited to, the department of law enforcement, county and city law enforcement agencies and county and city prosecuting attorney offices. Costs shall include, but not be limited to, those incurred for the purchase of evidence, travel and per diem for law enforcement officers and witnesses throughout the course of the investigation, hearings and trials, and any other investigative or prosecution expenses actually incurred, including regular salaries of employees. In the case of reimbursement to the department of law enforcement, those moneys shall be paid to the department of law enforcement for deposit into the drug enforcement donation account created in section 63-3067C, Idaho Code. 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 2. 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~~, had been used, was intended to be used or had been intended to be used in any manner described in subsection (a)(4) of this section;

(C) A conveyance is not subject to forfeiture for a viola-

tion of section 37-2732(c)(2), 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) (A) All moneys, ~~or~~ currency, ~~or other property described in paragraphs (2) and (3) hereof which shall be found in close proximity to contraband controlled substances or which 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.~~ negotiable instruments, securities or other items easily liquidated for cash, such as, but not limited to, jewelry, stocks and bonds, or other property described in paragraphs (2) and (3) hereof, found in close proximity to property described in paragraphs (1), (2), (3), (5), (7) or (8) of subsection (a) of this section or which has been used or intended for use in connection with the illegal manufacture, distribution, dispensing or possession of property described in paragraphs (1), (2), (3), (5), (7) or (8) of subsection (a) of this section;

(B) Items described in paragraph (6)(A) above or other things of value furnished or intended to be furnished by any person in exchange for a contraband controlled substance in violation of this chapter, all proceeds, including items of property traceable to such an exchange, and all moneys or other things of value used or intended to be used to facilitate any violation of this chapter, except that no property shall be forfeited under this paragraph to the extent of the interest of an owner, by reason of any act or omission established by that owner to have been committed or omitted without the knowledge or consent of that owner.

(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~~ chapter.

(b) Property subject to forfeiture under this ~~act~~ chapter 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~~ racketeering or civil forfeiture proceeding based upon a violation of this ~~act~~ chapter;

(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~~ chapter.

(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~~ section, 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 paragraphs (1), (7) and (8) 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~~ chapter, or, in the case of items described in paragraph (6)(A) of subsection (a), was found in close proximity to property described in paragraphs (1), (2), (3), (5), (7) or (8) of subsection (a) of this section.

(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 Idaho transportation 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~~ in any manner described in subsection (a)(4) 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~~, had been used, was intended to be used ~~to-unlawfully--transport-any-property-described-in-paragraphs-(1)-and-(2)-of~~ or had been intended to be used in any manner described in subsection (a)(4) 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~~ used, had been used, was intended to be used, or had been intended to be used for the purpose ~~charged~~ alleged;

(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--evidence--or-the-fund-used-to purchase-vehicles-for-agents-to-enforce this--act~~ drug enforcement donation account.

(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.

(e) When property is forfeited under this ~~act~~ section, or is received from a federal enforcement agency, 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, or by the director, to his agent, county or city law enforcement agency, for all expenditures made or incurred ~~by him~~ in connection with the sale, including expenditure for any necessary repairs, maintenance, 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~~ drug enforcement donation account.

(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~~ may 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. Except, however, that the director of the department of law enforcement or his designee may authorize the destruction of drug or nondrug evidence, specifically marijuana or nondrug items used in the planting, cultivation or harvesting of marijuana, when, in the opinion of the director or his designee, it is not reasonable to remove or transport such items from the location of the seizure for destruction. In such case, a sample of the marijuana will be removed and preserved for evidentiary purposes and, when practicable, destroyed as otherwise is in accordance with this chapter. On-site destruction of such items shall be witnessed by at least two (2) persons, one (1) of whom shall be the director or his designee who shall make a record of the destruction.

(g) Species of plants from which controlled substances in schedules I and II may be derived which have been planted or cultivated in violation of this act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the state.

(h) The failure, upon demand by the director, or his duly authorized agent, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce an appropriate registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.

(i) The director shall have the authority to enter upon any land or into any dwelling pursuant to a search warrant, to cut, harvest, carry off or destroy such plants described in subsection (g) hereof.

SECTION 3. That Chapter 27, Title 37, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 37-2744A, Idaho Code, and to read as follows:

37-2744A. AUTHORIZATION TO RECEIVE AND ADMINISTER FEDERAL FORFEITURES AND PRIVATE DONATIONS. The director of the department of law enforcement is authorized to receive and dispose of any real or personal property which has been seized by a federal drug enforcement agency, or any donations from private citizens, the proceeds of which shall be placed in the drug enforcement donation account created in section 63-3067C, Idaho Code.

SECTION 4. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any

reason, such declaration shall not affect the validity of remaining portions of this act.

Approved April 3, 1986.

CHAPTER 287
(S.B. No. 1377, As Amended)

AN ACT

RELATING TO ALLOWABLE SIZE OF VEHICLES AND LOADS; AMENDING SECTION 49-101, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; REPEALING SECTIONS 49-913 AND 49-914, IDAHO CODE; AMENDING CHAPTER 9, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-913, IDAHO CODE, TO PROVIDE LIMITATIONS ON THE SIZE OF VEHICLES AND LOADS.

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 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 "semitrailer" 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 semitrailer 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, copartnership, 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 nonresidents 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 semitrailers.

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) calendar year.

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.

cc. 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.

dd. The term "house trailer" shall mean:

(a) A trailer or semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways; or

(b) A trailer or a semitrailer 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.

ee. 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.

ff. 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.

gg. 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. Included in this definition are buses operated by contract carriers who meet the standards as outlined above and which are engaged in the transportation of school children to and from school or in connection with school approved activities.

hh. 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.

ii. 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, mint tubs and mint wagons 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 semitrailers, 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.

~~kk~~jj. "Utility trailer" means a trailer or semitrailer where the 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.

~~ll~~kk. "Rental utility trailer" means a utility trailer offered for hire to the general public for private or commercial use.

~~mm~~ll. "Domestic and utility" 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.

mm. "Dromedary tractor" means every motor vehicle designed and used primarily for drawing a semitrailer and so constructed as to carry manifested cargo in addition to a part of the weight of the semitrailer.

nn. "Auto transporter" means a vehicle combination constructed for the purpose of transporting motor vehicles.

SECTION 2. That Sections 49-913 and 49-914, Idaho Code, be, and the same are hereby repealed.

SECTION 3. That Chapter 9, 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 49-913, Idaho Code, and to read as follows:

49-913. SIZE OF VEHICLES AND LOADS. No vehicle shall exceed the dimensions specified below, except that certain devices determined by the Idaho transportation board as necessary for the safe and efficient operation of motor vehicles, including energy conservation devices, shall be excluded from the calculation of width or length.

(1) The width of a vehicle, including any load thereon, except as noted below, shall not exceed ..... 8 1/2 feet.

(a) The limitations as to size of vehicles stated in this section shall not apply to farm tractors or to implements of husbandry, including any load thereon, and including all equipment used in land leveling operations, when being incidentally operated upon the public highway from one (1) farm operation to another during daylight hours.

(b) Notwithstanding the exemption from width limitation for farm tractors included in paragraph (a) of this subsection, the total outside width of any farm tractor being transported on the interstate system in this state, except as permitted by section 49-905, Idaho Code, shall not exceed ..... 9 feet.

(c) A farm tractor or implement of husbandry, when being incidentally transported upon the highway with a width in excess of the limits of paragraphs (a) and (b) of this subsection, must not proceed at a speed in excess of twenty-five (25) miles per hour, must display one (1) eighteen (18) by eighteen (18) inch red flag on the outermost left projection of the tractor or implement being transported, except that the speed restriction of twenty-five (25) miles per hour shall not apply when such tractor or implement of husbandry is being hauled on legal width highway vehicles equipped as required by title 49, Idaho Code.

(2) The height of a vehicle, including the load thereon, shall not exceed ..... 14 feet.

(3) The length of a vehicle, or vehicle combination, except as noted below, shall not exceed:

(a) When a single motor vehicle ..... 40 feet.

(b) When a trailer or semitrailer, except as noted below 48 feet.

1. Semitrailers operating on routes determined by the Idaho transportation board to have severe curvature, deficient width and/or heavy traffic conditions shall be limited to a distance between kingpin and last axle of not to exceed .... 39 feet.

2. The length of a trailer tongue, or the length of the tongue of a converter gear used to convert a semitrailer to a trailer, shall be excluded from the calculation of a trailer length.

(c) When a motor vehicle and one or more trailers ..... 75 feet.

(d) When a combination of semitrailer and trailer, including the connecting dolly tongue, or the length of the two (2) semitrailers excluding the length of the tractor in such double-trailer combination ..... 60 feet.

(e) When a dromedary tractor with semitrailer, stinger-steered by

having the kingpin located five (5) feet to the rear of the centroid of the rear axle(s) ..... 75 feet.
(f) When a dromedary tractor with semitrailer, not meeting the stinger-steer requirement as defined in (e) above ..... 65 feet.
(g) When an auto transporter, stinger-steered as defined in (e) above, including front and rear overhang of load ..... 75 feet.
Semitrailer portion of auto transporter ..... 48 feet.
(h) When a tractor with stinger-steered pole trailer or log dolly, connected by a reach or pole, or a combination used for transporting long loads such as poles, pipes, logs or structural members generally capable of sustaining themselves as beams between supporting bunks or connections ..... 75 feet.
(4) The overhang or extension of a load shall not extend:
(a) Beyond the front of a vehicle, more than ..... 4 feet.
(b) Beyond the last axle, more than ..... 15 feet.
(c) Beyond the left fender of a passenger vehicle, more than ... .0 feet.
(d) Beyond the right fender of a passenger vehicle, more than .. .. 6 inches.
(e) To the front and rear combined of an auto transporter, more than ..... 7 feet.
(5) Noncargo-carrying devices necessary for the safe and efficient operation of the vehicle, as determined by the Idaho transportation board, shall not be included in measurement for length.
(6) No combination shall include more than three (3) units.
(7) Vehicle combinations consisting of not more than four (4) vehicle units may be operated by permit, with an overall length in excess of the limits of subsection (3) of this section, on routes designated for such operations by the Idaho transportation board with an overall combination length not to exceed one hundred and five (105) feet.

Approved April 3 1986.

CHAPTER 288
(S.B. No. 1359, As Amended)

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE FISH AND GAME COMMISSION; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE FOR COOPERATIVE AGREEMENTS BETWEEN LANDOWNERS AND THE FISH AND GAME COMMISSION REGARDING RESTRICTIONS ON THE OPERATION OF MOTOR-PROPELLED VEHICLES ON THE LANDOWNER'S LAND, TO PROVIDE NOTICE, TO PROVIDE RESTRICTIONS, TO PROVIDE PENALTIES, AND TO ALLOW THE PROMULGATION OF RULES AND REGULATIONS.

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

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization -- Meetings. The members of the commission shall annually meet at their offices in the city of Boise and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings in April, July and October of each year at such places within the state as the commission shall select for the transaction of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make an order embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by written order the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and conditions upon hunting, angling or trapping as said commission shall find to be necessary.

(A) Every such emergency order shall be made in accordance with the provisions of section 67-5202~~(2)(b)~~, Idaho Code.

(B) Any person knowingly hunting, angling or trapping in an area or stream closed by any such emergency order, and before such order has been rescinded, shall be deemed guilty of a misdemeanor.

4. At any time it shall deem necessary for the proper management of wildlife on any game preserve in the state of Idaho, declare an open season in any game preserve as it deems appropriate.

5. Upon notice to the public, hold a public drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules and regulations as it shall prescribe. There shall be no fee charged to any individual for submitting an application to participate in a controlled hunt; provided, however, a permit fee of not to exceed three dollars ($3.00) for deer, ten dollars ($10.00) for moose, sheep and goat and five dollars ($5.00) for elk, antelope and such other species as may be determined in the future, shall be charged to successful applicants for the privilege of participating in a controlled hunt. All procedures under this section shall be under the control and in the discretion of the director of the department of fish and game. It is a misdemeanor for any person to transfer any such permit to any other person, or for any person to make use of such permit issued to any other person.

6. Adopt rules and regulations pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other device, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate, and maintain the same for said purposes, which are hereby declared a public use:

(A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

(B) For game, bird, fish or fur-bearing animal restoration, propagation or protection;

(C) For public hunting, fishing or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law; or the regulation of the commission;

(D) To extend and consolidate by exchange, lands or waters suitable for the above purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. In the event owners or lawful possessors of land have restricted the operation of motor-propelled vehicles upon their land, the commission, upon consultation with all other potentially affected landowners, and having held a public hearing, if requested by not less than ten (10) residents of any county in which the land is located, may enter into cooperative agreements with those owners or possessors to enforce those restrictions when

the restrictions protect wildlife or wildlife habitat. Provided, however, the commission shall not enter into such agreements for lands which either lie outside or are not adjacent to any adjoining the proclaimed boundaries of the national forests in Idaho.

(A) The landowners, with the assistance of the department, shall cause notice of the restrictions, including the effective date thereof, to be posted on the main traveled roads entering the areas to which the restrictions apply. Provided, however, that nothing in this subsection shall allow the unlawful posting of signs or other information on or adjacent to public highways as defined in subsection (5) of section 40-109, Idaho Code.

(B) Nothing in this section authorizes the establishment of any restrictions that impede normal forest or range management operations.

(C) It shall be a misdemeanor for any person to violate such restrictions on the use of motor-propelled vehicles or to tear down or lay down any fencing or gates enclosing such a restricted area or to willfully remove, mutilate, damage or destroy any notices, signs or markers giving notice of such restrictions. The commission may promulgate rules and regulations to administer the restrictions and cooperative agreements addressed in this subsection.

10~~1~~. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

Approved April 3, 1986.

CHAPTER 289
(S.B. No. 1341, As Amended in the House)

AN ACT

RELATING TO JURISDICTION AND VENUE; AMENDING SECTION 19-301, IDAHO CODE, TO REQUIRE PROOF BEYOND A REASONABLE DOUBT THAT A PROSECUTABLE ACT WAS COMMITTED IN IDAHO AND TO REQUIRE PROOF BY A PREPONDERANCE OF THE EVIDENCE THAT THE ACT WAS COMMITTED IN A CERTAIN COUNTY WITHIN IDAHO; AMENDING SECTION 19-303, IDAHO CODE, TO PROVIDE JURISDICTION AND VENUE FOR PROSECUTION OF DUELERS WHO FOUGHT OUT OF STATE WHEN A DEATH SUBSEQUENTLY OCCURS WITHIN THE

STATE; AMENDING SECTION 19-304, IDAHO CODE, TO PROVIDE VENUE FOR CRIMES COMMITTED IN MORE THAN ONE COUNTY OR WHEN IT CANNOT BE SHOWN WHERE THE CRIME WAS COMMITTED; AMENDING SECTION 19-307, IDAHO CODE, TO PROVIDE VENUE FOR CASES INVOLVING KIDNAPING, INVEIGLEMENT, ABDUCTION AND OTHER LIKE CRIMES; AND AMENDING SECTIONS 19-302, 19-305, 19-306, AND 19-308 THROUGH 19-316, IDAHO CODE, TO CHANGE A REFERENCE.

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

SECTION 1. That Section 19-301, Idaho Code, be, and the same is hereby amended to read as follows:

19-301. ALL OFFENDERS LIABLE TO PUNISHMENT. (1) Jurisdiction - venue. Every person is liable to punishment by the laws of this state, for a public offense committed by him therein, except where it is by law cognizable exclusively in the courts of the United States. Evidence that a prosecutable act was committed within the state of Idaho is a jurisdictional requisite, and proof of such must be shown beyond a reasonable doubt.

(2) Venue is nonjurisdictional. Proof that venue is proper under this chapter is satisfied if shown by a preponderance of the evidence.

SECTION 2. That Section 19-302, Idaho Code, be, and the same is hereby amended to read as follows:

19-302. OFFENSES COMMENCED WITHOUT THE STATE. When the commission of a public offense, commenced without the state is consummated within its boundaries, the defendant is liable to punishment therefor in this state, though he was out of the state at the time of the commission of the offense charged. If he consummated it in this state through the intervention of an innocent or guilty agent, or any other means proceeding directly from himself, in such case the ~~jurisdiction~~ venue is in the county in which the offense is consummated.

SECTION 3. That Section 19-303, Idaho Code, be, and the same is hereby amended to read as follows:

19-303. FIGHTING DUELS OUT OF THE STATE. When an inhabitant or resident of this state, by previous appointment or engagement, fights a duel or is concerned as second therein, out of the jurisdiction of this state, and in the duel a wound is inflicted upon a person, whereof he dies in this state, the jurisdiction of the offense is in the state of Idaho and venue is in the county where the death happens.

SECTION 4. That Section 19-304, Idaho Code, be, and the same is hereby amended to read as follows:

19-304. OFFENSES COMMITTED IN DIFFERENT COUNTIES. (1) When a public offense is committed in part in one (1) county and in part in another, or the acts or effects thereof constituting or requisite to the consummation of the offense occur in two (2) or more counties, the

~~jurisdiction~~ venue is in either county.

(2) When more than one (1) felony is committed in more than one (1) county pursuant to a continuing criminal transaction or a common scheme or plan, venue shall be in any county in which one or more of such offenses has occurred.

(3) If a crime has been committed in the state of Idaho but it cannot be shown which county properly has venue, then in such case Ada county shall be the proper county of venue.

SECTION 5. That Section 19-305, Idaho Code, be, and the same is hereby amended to read as follows:

19-305. OFFENSES COMMITTED ON OR NEAR COUNTY BOUNDARIES. When a public offense is committed on the boundary of two (2) or more counties, or within five hundred (500) yards thereof, if the place where the crime is committed cannot be ascertained with reasonable certainty by the law enforcing officers of either county, or if a misdemeanor is committed in a city which is located in two (2) counties, then in any such event the ~~jurisdiction~~ venue is in either county. Provided, however, that a prosecution in one county shall be a bar to a prosecution for the same act or offense in the other county.

SECTION 6. That Section 19-306, Idaho Code, be, and the same is hereby amended to read as follows:

19-306. OFFENSES COMMITTED ON BOATS, VESSELS, TRAINS, MOTOR VEHICLES OR AIRCRAFT. When an offense is committed in this state, on board a boat, vessel, or motor vehicle or aircraft, the ~~jurisdiction~~ venue is in the county through which the boat, vessel, railroad train, motor vehicle, or aircraft passes or in the county where the trip terminates.

SECTION 7. That Section 19-307, Idaho Code, be, and the same is hereby amended to read as follows:

19-307. KIDNAPING AND SIMILAR OFFENSES. ~~The-jurisdiction-of-a criminal-action:~~

~~1.--For-forcibly-and-without-lawful-authority-seizing-and--confining--another,--or-inveigling-or-kidnaping-him-with-intent,-against-his will,-to-cause-him-to-be--secretly--confined--or--imprisoned--in--this state,--or-to-be-sent-out-of-the-state,-or-from-one-county-to-another, or-to-be-sold-as-a-slave,-or-in-any-way-held-to-service;-or~~

~~2.--For-decoying,-taking,-or-enticing-away-a-child-under--the--age of-twelve-years,-with-intent-to-detain-and-conceal-it-from-its-parent, guardian,-or-other-person-having-the-lawful-charge-of-the-child;-or~~

~~3.--For--inveigling,--enticing,-or-taking-away-an-unmarried-female of-previous-chaste-character,-under-the-age-of-eighteen-years,-for-the purpose-of-prostitution;-or~~

~~4.--For-taking-away-any-female-under-the--age--of--sixteen--years, from--her--father,--mother,-guardian,-or-other-person-having-the-legal charge-of-her-person,-without-their-consent,-either-for-the-purpose-of concubinage-or-prostitution;~~ In any case where a person:

1. Seizes, confines, inveigles or kidnaps another, with intent to cause him, without authority of law, to be secretly confined or imprisoned within this state, or to be sent out of this state, or in any way held to service or kept or detained against his will; or

2. Leads, takes, entices away or detains a child under the age of sixteen (16) years, with intent to keep or conceal it from its custodial parent, guardian or other person having lawful care or control thereof, or with intent to steal any article upon the person of the child; or

3. Abducts, entices or by force or fraud unlawfully takes or carries away another at or from a place without the state, or procures, advises, aids or abets such an abduction, enticing, taking or carrying away, and afterwards sends, brings, has or keeps such person, or causes him to be kept or secreted within this state; or

4. Seizes, confines, inveigles, leads, takes, entices away or kidnaps another against his will to extort money, property or any other things of value or obtain money, property or reward or any other thing of value for the return or disposition of such person; or

5. Inveigles or entices any unmarried person of previous chaste character, under the age of eighteen (18) years, into any house of ill-fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with any other person; and every person who aids or assists in such inveiglement or enticement; or

6. Takes away any person under the age of eighteen (18) years from his or her father, mother, guardian, or other person having the legal charge of that person, without their consent, for the purpose of prostitution;

Venue i~~t~~s in the county in which the offense is committed, or out of which the person upon whom the offense was committed may, in the commission of the offense, have been brought, or in which an act was done by the defendant in instigating, procuring, promoting, or aiding in the commission of the offense, or in abetting the parties concerned therein.

SECTION 8. That Section 19-308, Idaho Code, be, and the same is hereby amended to read as follows:

19-308. BIGAMY OR INCEST. When the offense either of bigamy or incest is committed in one ~~(1)~~ county, and the defendant is apprehended in another, the ~~jurisdiction~~ venue is in either county.

SECTION 9. That Section 19-309, Idaho Code, be, and the same is hereby amended to read as follows:

19-309. STOLEN PROPERTY CARRIED FROM COUNTY TO COUNTY. When property taken in one county by burglary, robbery, ~~larceny,~~ or ~~embezzlement~~ theft has been brought into another, the ~~jurisdiction~~ venue of the offense is in either county. But if at any time before the conviction of the defendant in the latter, he is indicted in the former county, the sheriff of the latter county must, upon demand, deliver him to the sheriff of the former.

SECTION 10. That Section 19-310, Idaho Code, be, and the same is hereby amended to read as follows:

19-310. ESCAPE FROM PRISON. The ~~jurisdiction~~ venue of a criminal action for escaping from prison is in any county of the state.

SECTION 11. That Section 19-311, Idaho Code, be, and the same is hereby amended to read as follows:

19-311. BRINGING STOLEN PROPERTY INTO THE STATE. The ~~jurisdiction~~ venue of a criminal action for stealing, in any other state, the property of another, or receiving it, knowing it to have been stolen, and bringing the same into this state, is in any county into or through which such stolen property has been brought.

SECTION 12. That Section 19-312, Idaho Code, be, and the same is hereby amended to read as follows:

19-312. MURDER OR MANSLAUGHTER. The ~~jurisdiction~~ venue of a criminal action for murder or manslaughter, when the injury which caused the death was inflicted in one county and the party injured dies in another county or out of the state, is in the county where the injury was inflicted.

SECTION 13. That Section 19-313, Idaho Code, be, and the same is hereby amended to read as follows:

19-313. ~~JURISDICTION~~ VENUE OVER ACCESSORIES. In the case of an accessory in the commission of a public offense, the ~~jurisdiction~~ venue is in the county where the offense of the accessory was committed, notwithstanding the principal offense was committed in another county.

SECTION 14. That Section 19-314, Idaho Code, be, and the same is hereby amended to read as follows:

19-314. ~~JURISDICTION~~ VENUE OVER ABSENT PRINCIPAL. The ~~jurisdiction~~ venue of a criminal action against a principal in the commission of a public offense, when such principal is not present at the commission of the principal offense, is in the same county it would be under this code if he were so present and aiding and abetting therein.

SECTION 15. That Section 19-315, Idaho Code, be, and the same is hereby amended to read as follows:

19-315. CONVICTION OR ACQUITTAL IN ANOTHER STATE. When an act charged as a public offense, is within the ~~jurisdiction~~ venue of another state, territory, or country, as well as of this state, a conviction or acquittal thereof in the former is a bar to the prosecution or indictment therefor in this state.

SECTION 16. That Section 19-316, Idaho Code, be, and the same is hereby amended to read as follows:

19-316. CONVICTION OR ACQUITTAL IN ANOTHER COUNTY. When an offense is within the ~~jurisdiction~~ venue of two (2) or more counties, a conviction or acquittal thereof in one ~~(1)~~ county is a bar to a prosecution or indictment therefor in another.

Approved April 3, 1986.

CHAPTER 290
(S.B. No. 1331)

AN ACT
RELATING TO DUTIES OF THE COUNTY SHERIFF; AMENDING SECTION 31-2202, IDAHO CODE, TO PROVIDE THAT THE COUNTY SHERIFF SHALL COMMAND THE AID OF AS MANY INHABITANTS OF THE COUNTY AS THE SHERIFF MAY THINK IS NECESSARY IN THE EXECUTION OF THE SHERIFF'S DUTIES.

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

SECTION 1. That Section 31-2202, Idaho Code, be, and the same is hereby amended to read as follows:

31-2202. DUTIES OF SHERIFF. The sheriff must:

1. Preserve the peace.
2. Arrest and take before the nearest magistrate for examination all persons who attempt to commit or who have committed a public offense, unless otherwise provided by law.
3. Prevent and suppress all affrays, breaches of the peace, riots and insurrections which may come to his knowledge.
4. Attend all courts, including magistrate's division of the district court when ordered by a district judge, at their respective terms held within his county, and obey the lawful orders and directions of the courts.
5. Command the aid of as many ~~male~~ inhabitants of the county as he may think necessary in the execution of these duties.
6. Take charge of and keep the county jail and the prisoners therein.
7. Indorse upon all process and notices the year, month, day, hour and minute of reception, and issue therefor to the person delivering it, on payment of fees, a certificate showing the names of the parties, title of paper and time of reception.
8. Serve all process and notices in the manner prescribed by law.
9. Certify under his hand upon process or notices the manner and time of service, or if he fails to make service, the reasons of his failure, and return the same without delay.
10. Perform such other duties as are required of him by law.
11. Keep a record of all stolen cars reported within his county,

which record shall contain the name of the motor vehicle, the engine number thereof, a complete description of such vehicle and such other information as may aid in the identification of the stolen car. Such record shall be open to public inspection during office hours, and immediately upon receiving a report of a stolen car the sheriff shall prepare and forward a copy thereof to the director of the department of law enforcement and he shall also notify the director of the department of law enforcement of any and all cars recovered.

12. Work concurrently and cooperate in his county, with the Idaho state police in the following respects:

(a) Require all persons using the highways in the state to do so carefully, safely and with exercise of care for the persons, property and safety of others;

(b) Safeguard and protect the surface and other physical portions of the state highways;

(c) Enforce all of the laws of the state enacted for the identification, inspection and transportation of livestock and all laws of the state designed to prevent the theft of livestock;

(d) Regulate traffic on all highways and roads in the state; and respond to calls following wrecks and make investigations relative thereto.

13. Give examinations for and sell operators' and chauffeurs' licenses.

14. Expeditiously and promptly investigate all cases involving missing children when such cases are reported to him.

Approved April 3, 1986.

CHAPTER 291
(S.B. No. 1316, As Amended)

AN ACT

RELATING TO THE OPERATION OF BOATS; AMENDING SECTION 49-3227, IDAHO CODE, TO PROVIDE A PENALTY FOR WHICH NO OTHER PENALTY IS PRESCRIBED; AMENDING CHAPTER 32, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-3230, IDAHO CODE, TO PROHIBIT PERSONS UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES FROM OPERATING OR BEING IN PHYSICAL CONTROL OF A VESSEL AND TO DEFINE VESSEL; AMENDING CHAPTER 32, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-3231, IDAHO CODE, TO PROVIDE FOR AGGRAVATED OPERATING OF A VESSEL WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY OTHER INTOXICATING SUBSTANCES; PROVIDING SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-3227, Idaho Code, be, and the same is hereby amended to read as follows:

49-3227. PENALTIES. (1) Any person who shall violate any of the provisions of this chapter or any rule or regulation promulgated by the department pursuant to this chapter, for which no penalty is otherwise provided, shall be guilty of a misdemeanor and be punished by a fine of not more than three hundred dollars ($300) or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

(2) Any person who shall be convicted of any second or subsequent violation of any of the provisions of this chapter in addition to any other penalties authorized herein, may at the discretion of the court, be refused the privilege of operating any vessel on any of the waters of this state for a period not to exceed two (2) years.

(3) Any person who shall operate any vessel during the period when he has been denied the privilege to so operate by virtue of subsection ~~49-3233(2),-Idaho-Code~~ of this section, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than three hundred dollars ($300), or by imprisonment of not more than thirty (30) days, or by both such fine and imprisonment.

(4) Any manufacturer ~~as-defined-in-this-chapter~~ who shall violate the provisions of this chapter with respect to the obligation for the installation of capacity or certification plates shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars ($300) or by imprisonment of not more than thirty (30) days, or both such fine and imprisonment and each failure to affix a capacity or certification plate as provided in this chapter shall constitute a separate offense for each vessel with respect to which such failure occurs.

SECTION 2. That Chapter 32, 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 49-3230, Idaho Code, and to read as follows:

49-3230. 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, as shown by analysis of his blood, urine, breath, or other bodily substance, to operate or be in actual physical control of a vessel on the waters of the state of Idaho.

(2) Any person having less than 0.10 percent, by weight, of alcohol in his blood, as shown by analysis of his blood, urine, breath, or other bodily substance, by a test requested by an authorized law enforcement officer shall not be prosecuted for operating under the influence of alcohol, except as provided in subsection (3) of this section. Any person who does not take a test to determine alcohol concentration or whose test result is determined by the court to be unreliable or inadmissible against him, may be prosecuted for operating or being in actual physical control of a vessel 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 an authorized law

enforcement 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) Persons authorized to withdraw blood for the purposes of determining content of alcohol or other intoxicating substances are those persons authorized in section 18-8003, Idaho Code.

(5) An evidentiary test for alcohol concentration is a determination of the percent by weight of alcohol in blood and shall be based upon a formula of 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. 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.

(6) 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 operating a vessel to operate or be in actual physical control of a vessel on the waters of the state of Idaho. The fact that any person charged with a violation of the provisions 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 the provisions of this subsection.

(7) "Actual physical control" as used in this section, shall be defined as being in the operator's position of the vessel with the motor running or with the vessel moving.

(8) 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 or withheld judgment.

(9) As used in this section and section 49-3231, Idaho Code, "vessel" shall mean an internally combustion powered craft of more than ten (10) horsepower or a sail powered craft greater than twenty-one (21) feet in length.

SECTION 3. That Chapter 32, 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 49-3231, Idaho Code, and to read as follows:

49-3231. AGGRAVATED OPERATING 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 the provisions of section 49-3230, Idaho Code, is guilty of a felony, and

upon conviction:

(a) Shall be sentenced to the state board of correction for not to exceed five (5) years, provided that notwithstanding the provisions of section 19-2601, Idaho Code, should the court impose any sentence other than incarceration in the state penitentiary, the defendant shall be sentenced to the county jail for a mandatory minimum period of not less than thirty (30) days; and further provided that notwithstanding the provisions of section 18-111, Idaho Code, a conviction under this section shall be deemed a felony;

(b) May be fined an amount not to exceed five thousand dollars ($5,000);

(c) Shall have his privileges to operate a vessel suspended by the court for a mandatory minimum period of one (1) year after release from imprisonment, and may have his privileges to operate a vessel suspended by the court for not to exceed two (2) years after release from imprisonment, during which time he shall have absolutely no privileges of any kind to operate a vessel; and

(d) 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 or withheld judgment.

SECTION 4. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after May 1, 1986.

Approved April 3, 1986.

CHAPTER 292
(S.B. No. 1301)

AN ACT

RELATING TO LICENSE PLATES; AMENDING SECTION 49-113, IDAHO CODE, TO PROVIDE FOR MANDATORY REISSUE OF LICENSE PLATES FOR MOTOR VEHICLES; AND AMENDING SECTION 49-157, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE LICENSE PLATE FEE TO COVER COSTS TO THE IDAHO TRANSPORTATION DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-113, Idaho Code, be, and the same is hereby amended to read as follows:

49-113. NUMBER PLATES TO BE FURNISHED BY DEPARTMENT -- FORM AND CONTENTS. a. The assessor shall furnish to every owner whose vehicle shall be registered by that office one (1) number plate for a motorcycle, trailer, truck-tractor, or semitrailer and two (2) number plates for every other motor vehicle. The department may extend the life of the current series of license number plates outstanding since January 1973 and each subsequent year and may hereafter issue a new series of semi-permanent license number plates for an indefinite period of time, but in no event for a period less than five (5) years. Any series of license number plates may be replaced or canceled by the board anytime after five (5) years from the year of issuance of such series.

Commencing January 1, 1987 license numbering plates for vehicles covered in section 49-126(1), Idaho Code, shall be reissued beginning with the number 1 in each county in accordance with the twelve (12) registration periods therein described with subsequent mandatory reissues reoccurring every sixth January 1 thereafter.

During intervening years in which license number plates are not issued, replaced, or canceled, license number plates shall be retained by the owner until lost, stolen, mutilated, or illegible, at which time the owner shall then apply for a duplicate or substitute therefor as provided in section 49-121, Idaho Code. The assessor shall also furnish for each registration, and to validate the number plate, a pressure-sensitive registration sticker. This registration sticker shall be serially numbered. Number plates issued for state, county and city motor vehicles shall be permanent and remain on the vehicle for which issued from year to year, and need no renewal or validation sticker.

Number plates issued to vehicles required to register in accordance with section 49-126, Idaho Code, shall be issued colored registration validation stickers showing the year of registration. Each registration validation sticker shall bear a number from 1 to 12, which number shall correspond to the month of the calendar year in which the registration of the vehicle expires and shall be affixed to the lower right-hand corner of the plate within the outlined rectangular area.

b. Every number plate shall have displayed upon it the registration number assigned to the vehicle and its owner, also the name of this state which may be abbreviated and the year number for which it is issued whenever replacement plates or a series of replacement plates are issued. In years that validation stickers are issued, the year number need not be shown on the number plate. The plate and the required letters and numerals, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred (100) feet during daylight, and each number plate and each registration sticker shall be treated with a fully reflectorized material according to specifications prescribed by the board and the plates shall have green numerals and letters on a white background. Each passenger number plate must bear upon its face the

inscription "Famous Potatoes."

c. The board shall furnish to every owner whose vehicle is subject to the payment of the use fee provided by subdivision (e) of section 49-127, Idaho Code, a use fee number plate. The use fee number plate shall be similar in form to the registration plate and shall contain information as the board may by rule or regulation provide.

d. The board shall have authority to require the return to the department of all number plates and registration stickers upon termination of the lawful use of them by the owner.

e. 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.

f. Whenever a vehicle is completely destroyed by fire or accident and the operator submits satisfactory proof of that destruction to the department, the registration use increment and fees shall be transferred to the replacement vehicle for a service transfer fee of five dollars ($5.00). None of the original fees shall be subject to refund.

SECTION 2. That Section 49-157, 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 one dollar and ~~ten~~ seventy cents ($1.~~10~~70) per plate, which shall be in addition to the vehicle registration fee provided in this chapter.

SECTION 3. This act shall be in full force and effect on and after January 1, 1987.

Approved April 3, 1986.

CHAPTER 293
(S.B. No. 1298, As Amended in the House,
As Amended in the House)

AN ACT

RELATING TO PUBLIC WORKS PROJECTS; AMENDING SECTION 67-2309, IDAHO CODE, TO PROVIDE FOR A CIVIL PENALTY NOT IN EXCESS OF FIVE HUNDRED DOLLARS TO BE PAID BY THE PUBLIC ENTITY.

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

SECTION 1. That Section 67-2309, Idaho Code, be, and the same is hereby amended to read as follows:

67-2309. WRITTEN PLANS AND SPECIFICATIONS FOR WORK TO BE MADE BY OFFICIALS -- AVAILABILITY. All officers of the state of Idaho, the separate counties, cities, towns, villages or school districts within the state of Idaho, all boards or trustees thereof or other persons

required by the statutes of the state of Idaho to advertise for bids on contracts for the construction, repair or improvement of public works, public buildings, public places or other work, shall make written plans and specifications of such work to be performed or materials furnished, and such plans and specifications shall be available for all interested and prospective bidders therefor, providing that such bidders may be required to make a reasonable deposit upon obtaining a copy of such plans and specifications; all plans and specifications for said contracts or materials shall state, among other things pertinent to the work to be performed or materials furnished, the number, size, kind and quality of materials and service required for such contract, and such plans and specifications shall not specify or provide the use of any articles of a specific brand or mark, or any patented apparatus or appliances when other materials are available for such purpose and when such requirements would prevent competitive bidding on the part of dealers or contractors in other articles or materials of equivalent value, utility or merit. In any action which shall arise under this section, the court may assess a civil penalty not to exceed five hundred dollars ($500) to be paid by the public entity.

Approved April 3, 1986.

CHAPTER 294
(S.B. No. 1288, As Amended, As Amended in the House)

AN ACT

RELATING TO FEES FOR STEELHEAD AND ANADROMOUS SALMON PERMITS; AMENDING SECTION 36-410, IDAHO CODE, TO INCREASE THE FEE FOR STEELHEAD AND ANADROMOUS SALMON PERMITS TO FIVE DOLLARS, TO PROVIDE A CORRECT CITATION AND TO MAKE GRAMMATICAL CORRECTIONS; AMENDING SECTION 36-107, IDAHO CODE, TO PROVIDE A PORTION OF THE INCREASED FEES FOR STEELHEAD AND SALMON PERMITS BE DEPOSITED IN THE FISH AND GAME ACCOUNT, TO PROVIDE WHAT THE MONEYS MAY BE EXPENDED FOR, AND TO PROVIDE A GRAMMATICAL CHANGE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 36-410, Idaho Code, be, and the same is hereby amended to read as follows:

36-410. STEELHEAD TROUT -- ANADROMOUS SALMON PERMITS. It is a misdemeanor to fish for steelhead trout or anadromous salmon except as herein provided:

(a) Permits Required -- Fee. Any person holding a valid fishing or combined fishing and hunting license of a class and kind mentioned in section 36-406 or in subsection (b) of section 36-407~~(b)~~, Idaho Code, ~~shall be eligible to~~ may purchase one (1) steelhead trout permit or one (1) anadromous salmon permit at a fee of ~~two~~ five dollars ($~~2~~5.00) for each kind of permit. The person to whom such permits are

issued shall then be entitled to fish for and take steelhead trout and/or anadromous salmon subject to the limitations prescribed in this title and regulations promulgated by the commission. Permits shall be valid only during the period of time that the corresponding basic license is valid.

(b) Unlicensed Resident. Bona fide residents of Idaho who are expressly exempt from license requirements to fish in the public waters of the state may choose one (1) of the following options:

1. Purchase and use such permits as an individual; or
2. May fish for and take steelhead trout and/or anadromous salmon without having permits therefor if accompanied by a properly licensed permit holder, provided that any such fish caught shall be included in the daily, seasonal and possession limit of the accompanying licensed permit holder.

(c) Unlicensed Nonresident Children. Unlicensed nonresident children under the age of fourteen (14) years shall not be eligible to obtain a steelhead trout or anadromous salmon permit, but may take such fish if accompanied by a holder of a valid license and permit, provided that any steelhead trout or anadromous salmon caught by such children shall be included in the daily, seasonal and possession limit of the accompanying licensed permit holder.

SECTION 2. That Section 36-107, Idaho Code, be, and the same is hereby amended to read as follows:

36-107. FISH AND GAME ACCOUNT. (a) Creation of Account. The director shall promptly transmit to the state treasurer all moneys received by him, from the sale of hunting, fishing and trapping licenses, tags and permits or from any other source connected with the administration of the provisions of the Idaho fish and game code or any law or regulation for the protection of wildlife and the state treasurer shall deposit all such moneys in a special account to be known as the "fish and game account," which is hereby established, reserved, set aside, appropriated, and made available until expended as may be directed by the commission in carrying out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife, and shall be used for no other purpose.

(b) Control of Expenditures. The commission shall govern the financial policies of the department and shall, as provided by law, fix the budget for the operation and maintenance of its work for each fiscal year. Said budget shall not be exceeded by the director.

(c) Big Game Range and Upland Game Bird and Waterfowl Management Moneys. For the purpose of acquiring access and acquiring and rehabilitating big game ranges and upland game bird and waterfowl habitats, the director shall set aside moneys within the fish and game account in an amount equal to two dollars ($2.00) for each combination and/or each hunting license sold as provided in sections 36-406 and 36-407, Idaho Code, provided that class 4 licenses, as provided for in section 36-404, Idaho Code (senior resident licenses issued to persons sixty-five (65) years of age and older), shall be exempt from the provisions of this subsection.

Said moneys shall be used only for acquiring access and for the

acquisition and rehabilitation of big game ranges and upland game bird and waterfowl habitat. Unless it is inconsistent with the goals of the commission, it is the intent of the legislature of the state of Idaho that the commission negotiate lease arrangements as compared to outright purchase of private property.

(d) Predatory Animal Moneys. The director shall set aside from the state fish and game account the sum of not less than fifty thousand dollars ($50,000) per annum which amount shall be used by the director in the control of predatory animals and predatory birds. Provided further that any moneys which the director may derive from the sale of furs, taken under the provisions of this section, shall be deposited into the fish and game account.

(e) Fish and Game Trust Account. The director may receive on behalf of the department any money or real or personal property donated, bequeathed, devised, or conditionally granted to the department. Such moneys received directly or derived from the sale of such property shall be deposited by the state treasurer in a special account in the agency asset fund to be known as the "fish and game trust account," which is hereby established, reserved, set aside, appropriated and made available until expended, used, and administered to carry out the terms or conditions of such donation, bequest, devise, or grant, or in the absence of such terms or conditions, the commission may expend, use, and administer such funds as it may deem advisable in the public interest and in accordance with the policies set forth in the Idaho fish and game code.

Pending such expenditure or use, surplus moneys in the fish and game trust account shall be invested by the state treasurer in the manner provided for idle state moneys in the state treasury by section 67-1210, Idaho Code. Interest received on all such investments shall be paid into the fish and game trust account.

(f) Nongame Management Moneys. For the purpose of the management and protection of nongame species of wildlife in this state, the director shall set aside moneys within the fish and game trust account in an amount equal to the amount designated by individuals in accordance with section 63-3067A, Idaho Code. The commission shall cause a nongame management and protection program to be developed. Said moneys shall be used only for this purpose.

(g) Big Game Winter Feeding and Control Moneys. The director shall set aside moneys within the fish and game trust account in an amount equal to one dollar and fifty cents ($1.50) for each elk, deer, and antelope tag sold as provided in section 36-409, Idaho Code. ~~Said~~ These moneys shall be used only for the purposes of winter feeding of big game species of wildlife, control of depredation of private property by big game species of wildlife, and control of predators affecting big game species of wildlife. When the balance of set-aside moneys available exceeds the sum of four hundred thousand dollars ($400,000), the director may use the amount in excess of four hundred thousand dollars ($400,000) for rehabilitation of winter range for big game species of wildlife.

(h) Steelhead and Anadromous Salmon Permit Moneys. The director shall deposit three dollars ($3.00) of each fee collected pursuant to section 36-410, Idaho Code, with the state treasurer for deposit in

the fish and game account. Such funds shall be accounted for separately within the account and shall be used for the acquisition, development and maintenance of parking areas, access sites, boat ramps and sanitation facilities in salmon and steelhead fishing areas, for management of and research and for technical assistance with litigation concerning steelhead and anadromous salmon originating in Idaho.

SECTION 3. This act shall be in full force and effect on and after January 1, 1987.

Approved April 3, 1986.

CHAPTER 295
(H.B. No. 480)

AN ACT

RELATING TO AUTHORITY TO EXCUSE JURORS FROM JURY SERVICE; AMENDING SECTION 2-212, IDAHO CODE, TO PROVIDE THAT JURORS MAY BE EXCUSED FROM JURY SERVICE BY THE COURT OR A DULY AUTHORIZED COURT OFFICIAL.

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

SECTION 1. That Section 2-212, Idaho Code, be, and the same is hereby amended to read as follows:

2-212. EXCUSING FROM JURY SERVICE -- INQUIRY BY COURT -- GROUNDS FOR EXCUSING. (1) The court, upon request of a prospective juror or on its own initiative, shall determine on the basis of information provided on the juror qualification form or interview with the prospective juror or other competent evidence whether the prospective juror should be excused from jury service. The clerk shall enter this determination in the space provided on the juror qualification form.

(2) A person who is not disqualified for jury service under section 2-209, Idaho Code, may be excused from jury service by the court or a duly authorized court official appointed by the administrative district judge, only upon a showing of undue hardship, extreme inconvenience, or public necessity, for a period the court deems necessary, at the conclusion of which the person shall reappear for jury service in accordance with the court's direction.

Approved April 3, 1986.

CHAPTER 296
(H.B. No. 473)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS; AMENDING SECTION 54-1002, IDAHO CODE, TO PROVIDE THAT INDIVIDUALS LI-

CENSED AS MASTER JOURNEYMAN ELECTRICIANS MAY ACT AS JOURNEYMAN ELECTRICIANS; AMENDING SECTION 54-1003, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF MASTER JOURNEYMAN ELECTRICIAN'S LICENSES; AMENDING SECTION 54-1003A, IDAHO CODE, TO PROVIDE A DEFINITION FOR MASTER JOURNEYMAN ELECTRICIAN; AMENDING SECTION 54-1005, IDAHO CODE, TO PROVIDE FOR THE ADOPTION OF RULES RELATING TO MASTER JOURNEYMAN ELECTRICIANS AND TO PROVIDE FOR FEES FOR A MASTER JOURNEYMAN ELECTRICIAN'S LICENSE; AMENDING SECTION 54-1007, IDAHO CODE, TO PROVIDE FOR EXAMINATION FOR MASTER JOURNEYMAN ELECTRICIAN'S LICENSE AND TO PROVIDE AN EXPERIENCE REQUIREMENT FOR MASTER JOURNEYMAN ELECTRICIAN LICENSE APPLICANTS.

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

SECTION 1. That Section 54-1002, Idaho Code, be, and the same is hereby amended to read as follows:

54-1002. LICENSE ESSENTIAL TO ENGAGE IN BUSINESS. (1) From and after July 1, 1961, it shall be unlawful for any person, partnership, company, firm, association or corporation, to act, or attempt to act, as an electrical contractor in this state until such person, partnership, company, firm, association or corporation, shall have received a license as an electrical contractor, as herein defined, issued pursuant to the provisions of this act by the department of labor and industrial services.

(2) From and after July 1, 1961, it shall be unlawful for any person to act as a journeyman electrician in this state until such person shall have received a license as a journeyman electrician, as herein defined, issued pursuant to the provisions of this act, by the department of labor and industrial services, provided, however, that any person who has been issued a master journeyman electrician's license pursuant to this act may act as a journeyman electrician.

SECTION 2. That Section 54-1003, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003. DIRECTOR AUTHORIZED TO ISSUE LICENSE. The director of the department of labor and industrial services of the state of Idaho is hereby authorized and empowered to conduct examinations and to pass upon the qualifications of applicants, and to grant and issue licenses to such applicants as are found to be qualified to engage in the trade, business or calling of a journeyman electrician or electrical contractor or master journeyman electrician in the manner and upon the terms and conditions hereinafter provided. All licenses granted hereunder shall not be transferable. Licenses shall be issued upon the condition that the holder thereof shall comply with all provisions of this act.

SECTION 3. That Section 54-1003A, Idaho Code, be, and the same is hereby amended to read as follows:

54-1003A. DEFINITIONS. (1) Electrical Contractor. Except as pro-

vided in section 54-1016, Idaho Code, any person, partnership, company, firm, association or corporation engaging in, conducting, or carrying on the business of installing wires or equipment to carry electric current or installing apparatus to be operated by such current, or entering into agreements to install such wires, equipment or apparatus, shall for the purpose of this act be known as an electrical contractor. (2) Journeyman Electrician. Except as provided in section 54-1016, Idaho Code, and ~~P~~part 3 and ~~P~~part 4 of this section, any person who personally performs or supervises the actual physical work of installing electric wiring or equipment to convey electric current, or apparatus to be operated by such current, shall, for the purpose of this act, be known as a journeyman electrician. (3) Apprentice Electrician. Any person who, for the purpose of learning the trade of journeyman electrician, engages in the installation of electric wiring, equipment, or apparatus while under the constant on-the-job supervision of a qualified journeyman electrician shall, for the purpose of this act, be known as an apprentice electrician. (4) Maintenance Electrician. Any person who is regularly employed to service, maintain or repair electrical apparatus, or to make minor repairs or alterations to existing electrical wires or equipment located on his employer's premises shall, for the purpose of this act, be known as a maintenance electrician. (5) Master Journeyman Electrician. A person who has the necessary qualifications, training, experience and technical knowledge to plan, layout or design the installation of electrical wiring or equipment, or to supervise such planning, layout, or design, and who performs or supervises such planning, layout or design, shall, for the purpose of this act, be known as a master journeyman electrician.

SECTION 4. That Section 54-1005, Idaho Code, be, and the same is hereby amended to read as follows:

54-1005. RULES AND REGULATIONS -- INSPECTIONS -- INSPECTION TAGS AND FEES. (1) The director of the department of labor and industrial services is hereby authorized and directed to enforce rules and regulations consistent with this act for the administration of this act and to effectuate the purposes thereof, and for the licensing of electrical contractors and the examination and licensing of journeymean electricians, and the examination and licensing of master journeyman electricians and to set by rule the fee for master journeyman electrician licenses, and to make inspections of electrical installations referred to in section 54-1001, Idaho Code, and to issue inspection tags covering such installations, and to collect the fees established therefor.

(2) Individuals, firms, cooperatives, corporations, or municipalities selling electricity, hereinafter known as the power supplier, shall not connect with or energize any electrical installation, coming under the provisions of this act, unless the owner or a licensed electrical contractor has delivered to the power supplier an inspection tag, issued by the director, covering the installation to be energized. Immediately after an installation has been energized, the power supplier shall deliver to the director or his authorized agent,

the inspection tag covering such installation.

(3) It shall be unlawful for any person, partnership, company, firm, association or corporation other than a power supplier, to energize any electrical installation coming under the provisions of this act unless an application for an electrical inspection tag, covering such installation, together with the inspection fee herein provided, has been forwarded to the director.

SECTION 5. That Section 54-1007, Idaho Code, be, and the same is hereby amended to read as follows:

54-1007. ISSUANCE OF LICENSES -- RECIPROCITY. (1) The director shall issue licenses to such persons as have by examination shown themselves to be fit, competent and qualified to engage in the trade of journeyman electrician, or master journeyman electrician, and to such persons, firms, partnerships, associations or corporations as have shown themselves to be fit, competent and qualified to engage in the business of electrical contracting. Any person who has worked as a journeyman electrician or as an apprentice electrician, as herein defined, for a period of not less than four (4) years, shall be considered as qualified to apply for a journeyman electrician's license in this state. Any person who has worked in this state for a period of not less than two (2) years as a journeyman electrician shall be considered as qualified to apply for a master journeyman electrician's license in this state.

(2) To the extent that other states which provide for the licensing of electricians provide for similar action, the director, on the recommendation of the Idaho electrical board, may grant licenses to electricians licensed by such other states, upon payment by the applicant of the required fee and upon furnishing proof to the board that the applicant has qualifications at least equal to those provided herein for applicants for written examinations. Applicants who qualify for a license under this subsection are not required to take a written examination.

Approved April 3, 1986.

CHAPTER 297
(H.B. No. 462, As Amended, As Amended in the Senate)

AN ACT

RELATING TO THE HARASSING, INJURING OR KILLING OF BIG GAME ANIMALS BY DOGS; AMENDING SECTION 36-1101, IDAHO CODE, TO PROVIDE THAT THE OWNER, POSSESSOR, OR HARBORER OF A DOG SHALL BE GUILTY OF A MISDEMEANOR IF THE DOG TRACKS, PURSUES, HARASSES, ATTACKS, INJURES OR KILLS BIG GAME ANIMALS.

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

SECTION 1. That Section 36-1101, Idaho Code, be, and the same is

hereby amended to read as follows:

36-1101. METHODS PROHIBITED -- EXCEPTIONS. It is a misdemeanor, except as may be otherwise provided under this title or commission regulations promulgated pursuant thereto, for any person to take any of the game animals, birds or fur-bearing animals of this state and provided further it is a misdemeanor for any person to:

(a) Hunt from Motorized Vehicles. Hunt any of the game animals or game birds of this state from or by the use of any motorized vehicle.

(b) Molest with Motorized Vehicles. Use any motorized vehicle to molest, stir up, rally or drive in any manner any of the game animals or game birds of this state.

(c) Communicate from Aircraft. Make use of aircraft in any manner to spot or locate game animals, game birds or fur-bearing animals of this state from the air and communicate the location or approximate location thereof by any signals whatsoever, whether radio, visual or otherwise, to any person then on the ground.

(d) Hunt from Helicopter. Make use of any helicopter in any manner in the taking of game or loading, transporting, or unloading hunters, game or hunting gear in any manner except when such use is at recognized airports or airplane landing fields, or at heliports which have been previously established on private land or which have been established by a department or agency of the federal, state or local government or when said use is in the course of emergency or search and rescue operations.

(e) Artificial Light. Hunt any animal or bird except raccoon by the aid of a spotlight, flashlight or artificial light of any kind. The act of casting or throwing, after sunset, the beam or rays of any spotlight, headlight or other artificial light capable of utilizing six (6) volts or more of electrical power upon any field, forest or other place by any person while having in his possession or under his control any uncased firearm or contrivance capable of killing any animal or bird, shall be prima facie evidence of hunting with an artificial light. Provided nothing in this subsection shall apply where the headlights of a motor vehicle, operated and proceeding in a normal manner on any highway or roadway, cast a light upon animals or birds on or adjacent to such highway or roadway and there is no intent or attempt to locate such animals or birds. Provided further, nothing in this subsection shall prevent the hunting of unprotected or predatory wildlife with the aid of artificial light when such hunting is for the purpose of protecting property or livestock, is done by landowners or persons authorized in writing by them to do so and is done on property they own, lease or control; and provided further that the hunting and taking of unprotected or predatory wildlife with the aid of artificial light on public lands is authorized after obtaining a permit to do so from the director. The director may, for good cause, refuse to issue such permit.

Other provisions of this subsection notwithstanding, the commission may establish regulations allowing the hunting of raccoon with the aid of an artificial light.

(f) Regulation of Dogs. 1. No person shall make use of a dog for the purpose of pursuing, taking or killing any of the big game

animals of this state except as otherwise provided by regulations of the commission.

2. Any person who is t~~T~~he owner of, or in possession of, or who harbors any dog found running at large and which is actively tracking, pursuing, harassing or attacking, or which injures or kills deer or any other big game animal within this state shall be guilty of a misdemeanor. It shall be no defense that such dog or dogs were pursuing said big game animals without the aid or direction of ~~their master~~ the owner, possessor, or harborer.

3. Any dog found running at large and which is actively tracking, pursuing, harassing, attacking or killing deer or any other big game animal may be destroyed without criminal or civil liability by the director, or any peace officer, or other persons authorized to enforce the Idaho fish and game laws.

Approved April 3, 1986.

CHAPTER 298
(H.B. No. 459)

AN ACT

RELATING TO LITTERING ON HIGHWAYS; AMENDING SECTION 18-3906, IDAHO CODE, TO INCREASE THE AMOUNT OF FINE THAT MAY BE IMPOSED FOR CONVICTION OF PLACING DEBRIS ON HIGHWAYS, AND TO PROVIDE THAT AN AWARD MAY BE MADE FOR INFORMATION THAT LEADS TO THE ARREST AND CONVICTION OF PERSONS WHO PLACE DEBRIS ON HIGHWAYS.

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

SECTION 1. That Section 18-3906, Idaho Code, be, and the same is hereby amended to read as follows:

18-3906. PLACING DEBRIS ~~I~~ON HIGHWAYS. (1) If any person shall wilfully or negligently throw from any vehicle, ~~or~~ place, ~~or~~ deposit or permit to be deposited upon or alongside of any highway, street, alley or easement used by the public for public travel, any debris, paper, litter, glass bottle, glass, nails, tacks, hoops, cans, barbed wire, boards, trash or garbage, lighted material, or other waste substance, such persons shall, upon conviction thereof, be punished by a fine not exceeding ~~fifty~~ three hundred dollars ($~~50~~300~~.00~~) or by imprisonment in the county jail not exceeding ten (10) days. For the purposes of this section, the terms "highway," "street," "alley" or "easement" shall be construed to include the entire right of way of such highway, street, alley or easement. The Idaho transportation department is directed to post along state highways, at convenient and appropriate places, notices of the context of said law.

(2) Notwithstanding the provisions of section 19-4705, Idaho Code, the court may order that fifty dollars ($50.00) of the fine imposed under the provisions of this section be paid by the defendant to the person or persons, other than the officer making the arrest,

who, in the judgment of the court, provided information that led directly to the arrest and conviction of the defendant.

Approved April 3, 1986.

CHAPTER 299
(H.B. No. 455)

AN ACT

RELATING TO THE SALES TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3623B, IDAHO CODE, TO DEFINE THE TERM AMUSEMENT DEVICE, TO PROVIDE THAT THE PURCHASE AT RETAIL OF AMUSEMENT DEVICES SHALL BE A SALE SUBJECT TO THE STATE SALES TAX, TO PROVIDE THAT CHARGE FOR USING AN AMUSEMENT SHALL BE SUBJECT TO THE STATE SALES TAX, TO PROVIDE A FORMULA TO COMPUTE THE TAX AND TO PROVIDE THE RESPONSIBLE PERSON OR ENTITY FOR ULTIMATELY PAYING THE TAX AND FILING RETURNS.

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

SECTION 1. 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 63-3623B, Idaho Code, and to read as follows:

63-3623B. AMUSEMENT DEVICES. (a) For purposes of this section the term "amusement device" shall mean all coin or token operated machines and devices which are used for amusement including, but not limited to, game machines, pool tables, juke boxes, electronic games and similar devices.

(b) The purchase at retail of amusement devices shall be a sale subject to the taxes imposed in this chapter.

(c) The charge for using an amusement device shall be subject to the taxes imposed in this chapter and the tax shall be computed by multiplying seventy per cent (70%) of the gross proceeds from each amusement device by one hundred seventeen per cent (117%) and applying the applicable tax rate established in this chapter to the product thus computed. The owner or lessee of the amusement device shall be the person responsible for filing all returns and remitting all taxes due relating to the proceeds of the amusement device.

Approved April 3, 1986.

CHAPTER 300
(H.B. No. 454)

AN ACT

RELATING TO THE SALES TAX; AMENDING SECTION 63-3613, IDAHO CODE, TO

PROVIDE THAT TANGIBLE PERSONAL PROPERTY WHEN SOLD AT RETAIL FOR MORE THAN ELEVEN CENTS BUT LESS THAN ONE DOLLAR AND ONE CENT THROUGH A VENDING MACHINE SHALL BE DEEMED TO HAVE SOLD AT A SALES PRICE EQUAL TO ONE HUNDRED SEVENTEEN PER CENT 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.

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 discounts 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, service charges, time-price differential, or interest on deferred payment sales, provided such charges are not used as a means of avoiding imposition of this tax upon the actual sales price of the tangible personal property.

7. Charges for transportation of tangible personal property after sale.

(c) The sales price of a "new mobile home" as defined in this act shall be limited to and include only fifty-five per cent (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 eleven cents ($.11) but less than ~~seventy-six cents~~ one dollar and one cent ($~~.76~~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 3, 1986.

CHAPTER 301
(H.B. No. 450)

AN ACT

RELATING TO THE OFFICE OF THE GOVERNOR; AMENDING SECTION 67-802, IDAHO CODE, TO STRIKE REFERENCE TO OBSOLETE PROVISIONS, TO PROVIDE THAT EXECUTIVE ORDERS OF THE GOVERNOR MAY BE EFFECTIVE FOR A PERIOD OF FOUR YEARS, AND TO CLARIFY THAT THE PROCEDURES EXPRESSLY SET FORTH IN THIS SECTION SHALL BE SUFFICIENT TO MAKE AN EXECUTIVE ORDER EFFECTIVE.

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

SECTION 1. That Section 67-802, Idaho Code, be, and the same is hereby amended to read as follows:

67-802. OFFICE OF GOVERNOR -- DUTIES OF GOVERNOR. The office of the governor shall be composed of: ~~the division of economic and community affairs, as provided by chapter 47, title 67, Idaho Code;~~ the state liquor dispensary, as provided by chapter 2, title 23, Idaho Code; the military division, as provided by title 46, Idaho Code; the division of financial management; and such other divisions and units as are established or assigned by law, or created through administrative action of the governor.

The governor shall appoint an administrator for each division, with the advice and consent of the senate. Administrators shall serve at the pleasure of the governor, and shall be exempt from the provisions of chapter 53, title 67, Idaho Code. Other subordinate staff necessary to accomplish a division's mission shall be subject to the provisions of chapter 53, title 67, Idaho Code.

The supreme executive power of the state is vested by section 5, article IV, of the constitution of the state of Idaho, in the governor, who is expressly charged with the duty of seeing that the laws are faithfully executed. In order that he may exercise a portion of the authority so vested, the governor is authorized and empowered to implement and exercise those powers and perform those duties by issuing executive orders from time to time which shall have the force and effect of law when issued in accordance with this section and within the limits imposed by the constitution and laws of this state. Such executive orders, when issued, shall be serially numbered for each calendar year and may be referred to and cited by such numerical designation and title. Each executive order issued hereunder shall be effective only after signature by the governor, attestation by and filing with the secretary of state, who shall keep a permanent register and file of such orders in the same manner as applies to acts of the legislature, and after publication in full in a newspaper or newspapers of general circulation in the state. Each such executive order issued by the governor must prescribe a date after which it shall cease to be effective, which shall be within ~~two~~ four (~~2~~4) calendar years of the effective date of such order, and if no date after which such order shall cease to be effective is contained in the order, then such order shall cease to be effective ~~two~~ four (~~2~~4) calendar years from the issuance thereof, unless renewed by subsequent executive order. The governor may modify or repeal any executive order by issuance of a new executive order. The procedures expressly set forth in this section shall be sufficient to make an executive order effective.

In addition to those powers prescribed above, and those prescribed by the constitution, the governor has the powers, and may perform the duties prescribed in this section and the following sections:

1. To supervise the official conduct of all executive and ministerial officers.

2. To see that all offices are filled, and the duties thereof performed, or, in default thereof, apply such remedy as the law allows; and if the remedy is imperfect, acquaint the legislature therewith at its next session.

3. To make the appointments and supply the vacancies provided by law.

4. He is the sole official organ of communication between the

government of this state and the government of any other state or territory, or of the United States.

5. Whenever any suit or legal proceeding is pending in this state, or which may affect the title of this state to any property, or which may result in any claim against the state, he may direct the attorney general to appear on behalf of the state.

6. He may require the attorney general or prosecuting attorney of any county to inquire into the affairs or management of any corporation existing under the laws of this state.

7. He may require the attorney general to aid any prosecuting attorney in the discharge of his duties.

8. He may offer rewards not exceeding one thousand dollars ($1,000) each, payable out of the state treasury, for the apprehension of any convict who has escaped from the state prison, or of any person who has committed, or is charged with the commission of, an offense punishable with death; and also offer like rewards, not exceeding five hundred dollars ($500) each, in cases of felony, where the offense is not punishable with death.

9. To perform such duties respecting fugitives from justice as are prescribed by the penal code.

10. To issue and transmit election proclamations as prescribed by law.

11. He may require any officer to make special reports to him in writing on demand.

12. He has such other powers and may perform such other duties as are devolved upon him by any law of this state.

Approved April 3, 1986.

CHAPTER 302
(H.B. No. 442, As Amended)

AN ACT

RELATING TO THE METHODS FOR THE ADOPTION OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS; AMENDING CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-118A, IDAHO CODE, TO PROVIDE METHODS FOR THE ADOPTION OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS FOR PUBLIC SCHOOLS BY THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES OF EACH SCHOOL DISTRICT MAY APPOINT A TEXTBOOK ADOPTION COMMITTEE; AMENDING CHAPTER 5, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-512A, IDAHO CODE, TO PROVIDE FOR A DISTRICT TEXTBOOK ADOPTION COMMITTEE FOR ADOPTION OF TEXTBOOKS AND INSTRUCTIONAL MATERIALS FOR THE SCHOOLS OF THE DISTRICT.

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

SECTION 1. That Chapter 1, 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 33-118A, Idaho Code, and to read as

follows:

33-118A. TEXTBOOKS AND INSTRUCTIONAL MATERIALS -- ADOPTION PROCEDURES. All textbook adoption committees appointed by the state board of education shall contain at least two (2) persons who are not public educators or school trustees. All meetings of textbook adoption committees shall be open to the public. Any member of the public may attend such meetings and file written or make oral objections to any textbook under consideration. A complete and cataloged library of all textbooks adopted and used in Idaho public schools is to be maintained at the state department of education in Boise at all times and open to the public.

SECTION 2. That Section 33-512, Idaho Code, be, and the same is hereby amended to read as follows:

33-512. GOVERNANCE OF SCHOOLS. The board of trustees of each school district shall have the following powers and duties:

1. To determine the length of the school term which in no case shall be less than nine (9) months;

2. To adopt and carry on, and provide for the financing of, a total educational program for the district. Such programs in other than elementary school districts may include education programs for out-of-school youth and adults; and such districts may provide classes in kindergarten;

3. To provide, or require pupils to be provided with, suitable textbooks and supplies, and for advice on textbook selections may appoint a textbook adoption committee as provided in section 33-512A, Idaho Code;

4. To protect the morals and health of the pupils;

5. To exclude from school, children not of school age;

6. To prescribe rules for the disciplining of unruly or insubordinate pupils, such rules to be included in a district discipline code adopted by the board of trustees and provided in writing at the beginning of each school year to the teachers and students in the district;

7. To exclude from school, pupils with contagious or infectious diseases who are diagnosed or suspected as having a contagious or infectious disease or those who are not immune and have been exposed to a contagious or infectious disease; and to close school on order of the state board of health or local health authorities;

8. To equip and maintain a suitable library or libraries in the school or schools and to exclude therefrom, and from the schools, all books, tracts, papers, and catechisms of sectarian nature;

9. To determine school holidays. Any listing of school holidays shall include not less than the following: New Year's Day, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Other days listed in section 73-108, Idaho Code, if the same shall fall on a school day, shall be observed with appropriate ceremonies; and any days the state board of education may designate, following the proclamation by the governor, shall be school holidays;

10. To erect and maintain on each schoolhouse or school grounds a

suitable flagstaff or flagpole, and display thereon the flag of the United States of America on all days, except during the inclement weather, when the school is in session~~.~~;

11. To prohibit entrance to each schoolhouse or school grounds, to prohibit loitering in schoolhouses or on school grounds and to provide for the removal from each schoolhouse or school grounds of any individual or individuals who disrupt the educational processes or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils. A person who disrupts the educational process or whose presence is detrimental to the morals, health, safety, academic learning or discipline of the pupils or who loiters in schoolhouses or on school grounds, is guilty of a misdemeanor.

SECTION 3. That Chapter 5, 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 33-512A, Idaho Code, and to read as follows:

33-512A. DISTRICT TEXTBOOK ADOPTION COMMITTEES. The board of trustees of each school district may appoint a textbook adoption committee to advise the board on selection of textbooks for use within the schools of the district. Such a committee shall contain a membership at least one-fourth (1/4) of which is persons who are not public educators or school trustees. All meetings of the committee shall be open to the public and any member of the public may attend such a meeting and file written or make oral objections to any textbook under consideration. Each school district shall have on hand and available to the public the titles, authors and publishers of all textbooks and materials being used in the district.

Approved April 3, 1986.

CHAPTER 303
(H.B. No. 438)

AN ACT

RELATING TO THE USE OF DEADLY FORCE BY PUBLIC OFFICERS IN MAKING ARRESTS; AMENDING SECTION 19-610, IDAHO CODE, TO PROVIDE CONDITIONS WHEN AN OFFICER MAY USE DEADLY FORCE IN MAKING AN ARREST; AMENDING SECTION 18-4011, IDAHO CODE, TO PROVIDE FURTHER CONDITIONS WHEN A PUBLIC OFFICER MAY USE DEADLY FORCE.

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

SECTION 1. That Section 19-610, Idaho Code, be, and the same is hereby amended to read as follows:

19-610. WHAT FORCE MAY BE USED. When the arrest is being made by an officer under the authority of a warrant, or when the arrest is being made without a warrant but is supported by probable cause to

believe that the person has committed an offense, after information of the intention to make the arrest, if the person to be arrested either flees or forcibly resists, the officer ~~may use all necessary means to effect the arrest~~ will be justified in using deadly force under conditions set out in section 18-4011, Idaho Code.

SECTION 2. That Section 18-4011, Idaho Code, be, and the same is hereby amended to read as follows:

18-4011. JUSTIFIABLE HOMICIDE BY OFFICER. Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either:

1. In obedience to any judgment of a competent court; or

2. When ~~necessarily committed~~ reasonably necessary in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty including suppression of riot or keeping and preserving the peace. Use of deadly force shall not be justified in overcoming actual resistance unless the officer has probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or to other persons; or~~,~~

3. When ~~necessarily committed~~ reasonably necessary in preventing rescue or escape or in retaking ~~felons~~ inmates who have been rescued or have escaped from any jail, or when ~~necessarily--committed--in arresting--persons--charged with felony, and who are fleeing from justice or resisting such arrest~~ reasonably necessary in order to prevent the escape of any person charged with or suspected of having committed a felony, provided the officer has probable cause to believe that the inmate, or persons assisting his escape, or the person suspected of or charged with the commission of a felony poses a threat of death or serious physical injury to the officer or other persons.

Approved April 3, 1986.

CHAPTER 304
(H.B. No. 421)

AN ACT

RELATING TO THE IDAHO BUILDING CODE ADVISORY BOARD; AMENDING SECTION 39-4106, IDAHO CODE, TO RAISE THE RATE OF COMPENSATION FOR BOARD MEMBERS.

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

SECTION 1. 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 seven (7) members: two (2) members of the general public, one (1) of which can be a fire official; one (1) registered engineer or licensed architect; one (1) local building inspector; one (1) homebuilder or general contractor; one (1) representative of the manufactured building industry; and one (1) representative of the mobile home or recreational vehicle industry. Board members shall be appointed for a term of four (4) years. Three (3) consecutive failures by a member to attend meetings of the board without reasonable cause shall constitute cause for removal of the members from the board by the governor. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(2) The members of the board shall, at their first regular meeting following the effective date of 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~~g), 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 biannually.

Approved April 3, 1986.

CHAPTER 305
(H.B. No. 420)

AN ACT

RELATING TO THE ELECTRICAL BOARD; AMENDING SECTION 54-1006, IDAHO CODE, TO RAISE THE RATE OF COMPENSATION FOR MEMBERS OF THE ELECTRICAL BOARD.

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

SECTION 1. That Section 54-1006, Idaho Code, be, and the same is hereby amended to read as follows:

54-1006. IDAHO ELECTRICAL BOARD. (1) The Idaho electrical board, hereinafter known as the board, is hereby created and made a part of the electrical division of the department of labor and industrial services. It shall be the responsibility and duty of the director of the department of labor and industrial services to administer and enforce the provisions of this act, to serve as secretary to the Idaho electrical board, and to appoint the chief electrical inspector, who shall be the division administrator.

(2) The board shall consist of seven (7) members to be appointed

by the governor with power of removal for cause. Board members shall be appointed for a term of four (4) years. Whenever a vacancy occurs, the governor shall appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be citizens of the United States, residents of this state for not less than two (2) years and shall be qualified by experience, knowledge and integrity in formulating rules and regulations for examinations, in passing on the fitness and qualifications of applicants for electrical contractor and journeyman electrician licenses and in establishing standards for electrical products to be used in electrical installations coming under the provisions of this act.

(4) The members of the board shall, at their first regular meeting following the effective date of this act and every two (2) years thereafter, elect by majority vote of the members of the board, a chairman who shall preside at meetings of the board. In the event the chairman is not present at any board meeting, the board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the board shall constitute a quorum.

(5) The board shall establish the fees to be charged for permits and inspections of electrical systems.

(6) Each member of the board not otherwise compensated by public moneys shall be compensated as provided by section 59-509(~~d~~g), Idaho Code.

Approved April 3, 1986.

CHAPTER 306
(H.B. No. 419)

AN ACT

RELATING TO THE PLUMBING BOARD; AMENDING SECTION 54-2605, IDAHO CODE, TO RAISE THE RATE OF COMPENSATION FOR MEMBERS OF THE PLUMBING BOARD.

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

SECTION 1. That Section 54-2605, Idaho Code, be, and the same is hereby amended to read as follows:

54-2605. IDAHO PLUMBING BOARD. (1) The Idaho plumbing board, referred to as the board, is hereby created and made a part of the plumbing division of the department of labor and industrial services. It shall be the responsibility and duty of the director of the department of labor and industrial services to administer and enforce the provisions of this act; and the board shall make, promulgate and publish such rules and regulations as may be necessary for carrying out the provisions of this act in order to effectuate the purposes thereof and for the orderly and efficient administration thereof, and except as may be limited or prohibited by law and the provisions of this act,

such rules and regulations so made and promulgated shall have the force of statute.

(2) The board shall consist of five (5) members. The members shall be appointed at large by the governor, with power of removal for cause. Members shall be appointed for a term of three (3) years. Whenever a vacancy occurs the governor shall forthwith appoint a qualified person to fill the vacancy for the unexpired portion of the term.

(3) All members of the board shall be United States citizens, residents of this state for not less than two (2) years, and qualified by knowledge, integrity and experience to properly execute the functions of the board. Two (2) members shall be qualified persons representing the public at large; one (1) member shall be an active plumbing contractor with not less than five (5) years experience in the plumbing contracting business; one (1) member shall be an active plumbing contractor with not less than five (5) years in the plumbing contracting business with an additional background of experience in gas piping installations in buildings; and one (1) member shall be a journeyman plumber. All members of the board shall take, subscribe and file with the secretary of state an oath of office in the form, manner and time prescribed by chapter 4, title 59, Idaho Code.

(4) The board shall meet within thirty (30) days after the appointment of all its members and thereafter at such other times as may be expedient and necessary for the proper performance of its duties. At the board's first meeting, the members shall elect one (1) of their number to be chairman. A majority of the board shall constitute a quorum for the transaction of business and not less than two (2) quorum meetings shall be held each year. The board may delegate to any member, or its chairman or other employees, the power to make investigations and hold hearings at any place it may deem proper, and to report findings to it; and may delegate to its chairman and employees the performance of ministerial functions.

(5) Each member of the board shall be compensated as provided by section 59-509(fg), Idaho Code.

Approved April 3, 1986.

CHAPTER 307
(H.B. No. 405)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS; AMENDING SECTION 54-1013, IDAHO CODE, TO SHORTEN THE PERIOD FOR REVIVAL OF LICENSES.

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

SECTION 1. That Section 54-1013, Idaho Code, be, and the same is hereby amended to read as follows:

54-1013. RENEWAL OF LICENSES. A license once issued under this

act, unless revoked or suspended as herein provided, may be renewed at any time during the month of July next following its issuance on the payment of the renewal fee herein specified, and any license which has expired may be revived at any time within ~~five~~ one (~~5~~1) year~~s~~ from the first day of July next following its issuance, by payment of the revival fee herein specified. Certificates of competency issued prior to July 1, 1961, shall, for the purpose of this act, be considered as licenses and may be renewed or revived as herein provided.

Approved April 3, 1986.

CHAPTER 308
(H.B. No. 386)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS; AMENDING CHAPTER 10, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1019, IDAHO CODE, TO PROVIDE QUALIFICATIONS OF ELECTRICAL INSPECTORS.

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

SECTION 1. That Chapter 10, 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 54-1019, Idaho Code, and to read as follows:

54-1019. QUALIFICATIONS OF INSPECTORS. The director of the department of labor and industrial services shall appoint the number of deputy electrical inspectors as may be required for the effective enforcement of the provisions of this chapter. All inspectors shall be skilled in electrical installations with not less than four (4) years of actual experience as a journeyman electrician, shall possess certificates of competency prior to appointment, and shall be fully familiar with the provisions of this chapter and rules and regulations made both by the director and the Idaho electrical board. No inspector employed by the department and assigned to the enforcement of the provisions of this chapter shall be engaged or financially interested in an electrical business, trade, practice or work, or the sale of any supplies connected therewith, nor shall he act as an agent, directly or indirectly, for any person, firm, copartnership, association or corporation so engaged. Inspectors employed by municipalities electing to claim exemption under this chapter must possess the qualifications set forth in this section. Inspectors employed by the department shall take and pass, before the end of their probationary period, the general inspector's test administered by the educational testing service, or future tests developed by the educational testing service for that purpose, or such examination developed for similar purposes, and administered by another testing agency, which the Idaho electrical board may select. The board may also promulgate rules relative to the

applicability of this provision to existing electrical inspectors with permanent status in the department.

Approved April 3, 1986.

CHAPTER 309
(H.B. No. 385)

AN ACT

RELATING TO ELECTRICAL CONTRACTORS AND JOURNEYMAN ELECTRICIANS; AMENDING SECTION 54-1007, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF APPRENTICE REGISTRATION CERTIFICATES; AND AMENDING SECTION 54-1010, IDAHO CODE, TO REQUIRE ALL APPRENTICES PERFORMING ELECTRICAL INSTALLATIONS TO BE REGISTERED.

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

SECTION 1. That Section 54-1007, Idaho Code, be, and the same is hereby amended to read as follows:

54-1007. ISSUANCE OF LICENSES -- RECIPROCITY. (1) The director shall issue licenses to such persons as have by examination shown themselves to be fit, competent and qualified to engage in the trade of journeyman electrician, and to such persons, firms, partnerships, associations or corporations as have shown themselves to be fit, competent and qualified to engage in the business of electrical contracting. Any person who has worked as a journeyman electrician or as an apprentice electrician, as herein defined, for a period of not less than four (4) years, shall be considered as qualified to apply for a journeyman electrician's license in this state, provided that for each such year he is claiming to have worked as an apprentice electrician, the apprentice registered with the department of labor and industrial services as an apprentice, paid an apprentice registration fee to the department, and submitted with his annual application for apprentice registration verification of employment and hours worked. The electrical board may, by rule, fix the apprentice registration fee, in an amount not to exceed the costs of issuing apprentice registration certificates and enforcing the apprentice registration provisions of this act, and may also by rule establish requirements relative to the manner of verification of employment and hours worked. Before such experience as an apprentice may be considered as qualifying the apprentice to take the journeyman's examination, the apprentice must also complete the required related instruction for electrical apprentices as approved by the Idaho state board for vocational education.

(2) To the extent that other states which provide for the licensing of electricians provide for similar action, the director, on the recommendation of the Idaho electrical board, may grant licenses to electricians licensed by such other states, upon payment by the applicant of the required fee and upon furnishing proof to the board that the applicant has qualifications at least equal to those provided

herein for applicants for written examinations. Applicants who qualify for a license under this subsection are not required to take a written examination.

SECTION 2. That Section 54-1010, Idaho Code, be, and the same is hereby amended to read as follows:

54-1010. INSTALLATIONS BY ELECTRICAL CONTRACTOR PERFORMED BY LICENSED JOURNEYMAN -- PRIOR CERTIFICATE HOLDERS ENTITLED TO LICENSE -- LIST OF ELECTRICIANS IN CONTRACTOR'S EMPLOY. (1) On and after July 1, 1961, any electrical contractor who works as a journeyman electrician, as herein defined, shall be required to have a journeyman electrician's license issued under the provisions of this act. All installations of electrical wiring, equipment or apparatus made by an electrical contractor shall be done by or under the direct supervision of a licensed journeyman electrician.

(2) Any person who has by examination received an electrical contractor's certificate of competency, issued by the director prior to July 1, 1961, or any person who has, without examination, been issued an electrical contractor's certificate of competency prior to January 1, 1948, shall be eligible to receive, on or before December 31, 1961, a journeyman electrician's license, without examination, upon payment of the ~~three dollars ($3.00)~~ fee specified in section 54-1014, Idaho Code. The individual owner of an electrical contracting business may act as his own journeyman electrician provided that he has complied with the provisions of section 54-1002, Idaho Code, pertaining to journeyman electrician. Each electrical contractor in this state shall, upon request of the director, or his authorized agent, furnish a list of journeyman electricians in said electrical contractor's employ.

(3) From and after July 1, 1986, any individual working as an apprentice electrician, as defined in this act, must be registered with the department of labor and industrial services, as an apprentice electrician, as provided in section 54-1007, Idaho Code; and it shall be unlawful for an individual to work as an apprentice electrician without possessing a current apprentice registration certificate.

Approved April 3, 1986.

CHAPTER 310
(H.B. No. 380, As Amended)

AN ACT

RELATING TO INSURANCE CONTRACTS; AMENDING CHAPTER 18, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1841, IDAHO CODE, TO PROVIDE FOR THE REGULATION OF BLOCK CANCELLATIONS AND BLOCK NONRENEWALS OF INSURANCE POLICIES.

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

SECTION 1. That Chapter 18, 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 41-1841, Idaho Code, and to read as follows:

41-1841. BLOCK CANCELLATIONS AND BLOCK NONRENEWALS -- NOTICE TO DIRECTOR REQUIRED. (1) Any insurer intending to implement block cancellations or block nonrenewals of insurance policies shall provide the director written notice of such intentions no later than one hundred twenty (120) days prior to such intended action. Such notice shall fully set forth reasons for such action and shall include additional information that the director may deem appropriate. Failure by any insurer to comply with the requirements of this section shall constitute a violation of the provisions of this section and shall render any policy cancellations or nonrenewals by the insurer null and void and without effect. The failure of any insurer to comply with the requirements of this section shall not affect the contract rights of insureds.

(2) At the end of sixty (60) days the intended insurer action shall be deemed approved unless prior thereto it has been affirmatively approved by order of the director.

(3) Block cancellations or block nonrenewals for the provisions of this section and the enforcement of this code, shall be defined to include any of the following: cancellation or nonrenewal of any class, line, type or subject of insurance, or the withdrawal from the business of insurance in Idaho.

(4) The requirements of this section are not a waiver or limitation of the provisions of this code, or other laws of this state, but are additional requirements.

(5) The director may issue reasonable regulations to establish requirements for reporting required herein.

Approved April 3, 1986.

CHAPTER 311
(H.B. No. 374)

AN ACT

RELATING TO PROBATION; AMENDING SECTION 20-222, IDAHO CODE, TO PROVIDE THAT A PERSON MAY BE PLACED ON PROBATION FOR A PERIOD OF TIME EQUAL TO THE PERIOD OF TIME HE MIGHT HAVE BEEN IMPRISONED.

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

SECTION 1. That Section 20-222, Idaho Code, be, and the same is hereby amended to read as follows:

20-222. INDETERMINED OR FIXED PERIOD OF PROBATION OR SUSPENSION OF SENTENCE -- REARREST AND REVOCATION. The period of probation or suspension of sentence may be ~~indetermined~~ indeterminate or may be

fixed by the court, and may at any time be extended or terminated by the court. Such period with any extension thereof shall not exceed ~~five--years;--except--in--cases-in-which-the-defendant-is-charged-with failure-to-provide-subsistance-to-his-dependents~~ the maximum period for which the defendant might have been imprisoned.

At any time during probation or suspension of sentence, the court may issue a warrant for violating any of the conditions of probation or suspension of sentence and cause the defendant to be arrested. Thereupon the court, after summary hearing may revoke the probation and suspension of sentence and cause the sentence imposed to be executed, or may cause the defendant to be brought before it and may continue or revoke the probation, or may impose any sentence which originally might have been imposed at the time of conviction.

Approved April 3, 1986.

CHAPTER 312
(H.B. No. 373)

AN ACT

RELATING TO CRIMINAL PUNISHMENT; AMENDING CHAPTER 1, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-112A, IDAHO CODE, TO PROVIDE A FINE FOR FELONY STATUTES WHEN A FINE IS NOT SPECIFICALLY PROVIDED.

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

SECTION 1. That Chapter 1, 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 18-112A, Idaho Code, and to read as follows:

18-112A. FINE AUTHORIZED. In addition to any other punishment prescribed for felonies in specific statutes of the Idaho Code, the court may also impose a fine of up to five thousand dollars ($5,000). This section shall not apply if the specific felony statute provides for the imposition of a fine.

Approved April 3, 1986.

CHAPTER 313
(H.B. No. 369, As Amended in the Senate)

AN ACT

RELATING TO ADMINISTRATION OF WATER RIGHTS; AMENDING SECTION 42-108, IDAHO CODE, TO PROVIDE THAT ANY PERMANENT CHANGE IN PERIOD OR NATURE OF USE FOR A QUANTITY OF WATER GREATER THAN FIFTY CFS OR FOR A STORAGE VOLUME GREATER THAN FIVE THOUSAND ACRE FEET SHALL

REQUIRE THE APPROVAL OF THE LEGISLATURE EXCEPT THAT ANY TEMPORARY CHANGE WITHIN THE STATE OF IDAHO FOR A PERIOD OF LESS THAN THREE YEARS MAY BE APPROVED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES WITHOUT LEGISLATIVE APPROVAL; AMENDING SECTION 42-201, IDAHO CODE, TO PROHIBIT ILLEGAL APPLICATION AND USE OF PUBLIC WATERS; AMENDING SECTION 42-204, IDAHO CODE, TO PROVIDE FOR EXTENSIONS BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES FOR COMPLETION OF WORKS AND APPLICATION OF THE WATER TO FULL BENEFICIAL USE UNDER CERTAIN PERMITS AND TO DELETE ARCHAIC LANGUAGE; AMENDING SECTION 42-221, IDAHO CODE, TO PROVIDE A FEE FOR RECEIPT OF ALL NOTICES OF APPLICATION WITHIN A DESIGNATED AREA; AMENDING SECTION 42-222, IDAHO CODE, TO PROVIDE NOTICE OF A PROPOSED CHANGE IN WATER USE, TO PROVIDE CONDITIONS FOR TRANSFER OF THE RIGHT TO STORED WATER FOR IRRIGATION PURPOSES, TO DELETE LANGUAGE RELATING TO CHANGE OF NATURE OF USE OF A WATER RIGHT AND TO PROVIDE NOTICE OF AN APPLICATION FOR AN EXTENSION; REPEALING SECTIONS 42-240 AND 42-311, IDAHO CODE; AMENDING CHAPTER 3, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-311, IDAHO CODE, TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES THE AUTHORITY TO ISSUE ORDERS PRIOR TO LICENSURE, TO PROVIDE GROUNDS FOR THE ORDER, TO PROVIDE THAT THE ORDER BE SERVED, TO PROVIDE FOR A HEARING, TO PROVIDE FOR JUDICIAL REVIEW AND TO DEFINE PERMITTEE; AMENDING CHAPTER 3, TITLE 42, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 42-350, 42-351 AND 42-352, IDAHO CODE, TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES THE AUTHORITY TO ISSUE ORDERS AFTER LICENSURE, TO PROVIDE GROUNDS, TO PROVIDE THAT THE ORDER BE SERVED, TO PROVIDE FOR A HEARING, JUDICIAL REVIEW OR RIGHT OF ACTION IN DISTRICT COURT, TO DEFINE LICENSEE, TO PROVIDE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES AUTHORITY TO ISSUE ORDERS FOR ILLEGAL DIVERSION OR USE OF WATER, TO PROVIDE GROUNDS, TO PROVIDE THAT THE ORDER BE SERVED, TO PROVIDE FOR A HEARING AND JUDICIAL REVIEW AND TO PROVIDE CIVIL PENALTIES; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1778, IDAHO CODE, TO CREATE THE WATER RIGHTS ENFORCEMENT ACCOUNT IN THE AGENCY ASSET FUND; AND AMENDING SECTION 42-1805, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL HAVE THE POWER AND DUTY TO SEEK AN INJUNCTION OR RESTRAINING ORDER PERTAINING TO CERTAIN VIOLATIONS OR ATTEMPTED VIOLATIONS REGARDING WATER LAW.

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

SECTION 1. That Section 42-108, Idaho Code, be, and the same is hereby amended to read as follows:

42-108. CHANGE IN POINT OF DIVERSION, PLACE OF USE, PERIOD OF USE, OR NATURE OF USE -- APPLICATION OF ACT. The person entitled to the use of water or owning any land to which water has been made appurtenant either by a decree of the court or under the provisions of the constitution and statutes of this state, may change the point of diversion, period of use, or nature of use, and/or may voluntarily abandon the use of such water in whole or in part on the land which is

receiving the benefit of the same and transfer the same to other lands, if the water rights of others are not injured by such change in point of diversion, place of use, period of use, or nature of use, provided; if the right to the use of such water, or the use of the diversion works or irrigation system is represented by shares of stock in a corporation or if such works or system is owned and/or managed by an irrigation district, no change in the point of diversion, place of use, period of use, or nature of use of such water shall be made or allowed without the consent of such corporation or irrigation district~~;-provided,-any~~. Any permanent or temporary change in period or nature of use in or out-of-state for a quantity greater than fifty (50) cfs or for a storage volume greater than five thousand (5,000) acre-feet shall require the approval of the legislature~~.-Any-lease~~, except that any temporary change within the state of Idaho for a ~~term~~ period of less than three (3) years may be approved by the director without legislative approval.

Any person desiring to make such change of point of diversion, place of use, period of use, or nature of use of water shall make application for change with the department of water resources under the provisions of section 42-222, Idaho Code. After the effective date of this act, no person shall be authorized to change the period of use or nature of use, point of diversion or place of use of water unless he has first applied for and received approval of the department of water resources under the provisions of section 42-222, Idaho Code.

SECTION 2. That Section 42-201, Idaho Code, be, and the same is hereby amended to read as follows:

42-201. WATER RIGHTS ACQUIRED UNDER CHAPTER -- ILLEGAL APPLICATION OF WATER. (1) All rights to divert and use the waters of this state for beneficial purposes shall hereafter be acquired and confirmed under the provisions of this chapter and not otherwise. And after the passage of this title all the waters of this state shall be controlled and administered in the manner herein provided. Such appropriation shall be perfected only by means of the application, permit and license procedure as provided in this title; provided, however, that in the event an appropriation has been commenced by diversion and application to beneficial use prior to the effective date of this act it may be perfected under such method of appropriation.

(2) No person shall use the public waters of the state of Idaho except in accordance with the laws of the state of Idaho. No person shall divert any water from a natural watercourse or apply water to land without having obtained a valid water right to do so, or apply it to purposes for which no valid water right exists.

SECTION 3. That Section 42-204, Idaho Code, be, and the same is hereby amended to read as follows:

42-204. EXAMINATION -- PERMIT -- COMMENCEMENT OF WORK -- EXTENSIONS -- APPEAL. On receipt of the application, which shall be of a form prescribed by the department of water resources, it shall be the duty of that department to make an indorsement thereon of the date of

its receipt, and to examine said application and ascertain if it sets forth all the facts necessary to show the location, nature and amount of the proposed use. If upon such examination the application is found defective, it shall be the duty of the department of water resources to return the same for correction or to correspond with the applicant to obtain the needed information or amendments. If the application is returned to the applicant or the department shall request additional information and the applicant fails to return the corrected application or to supply the needed information within thirty (30) days, the department may void the record of said application and notify the applicant of such action. If the corrected application is returned or the information is supplied after thirty (30) days, such corrected application shall be treated in all respects as a new application, and the priority of the right initiated shall be determined by the date of receipt, in the office of the department, of the corrected application or additional information; provided, that upon request, and good cause appearing therefor, the director of the department of water resources may grant an extension of time within which to return the corrected application or supply needed information. All applications which shall comply with the provisions of this chapter and with the regulations of the department of water resources shall be numbered in such manner as will aid in their identification, and it shall be the duty of the department to approve all applications, made in proper form, which contemplate the application of water to a beneficial use: provided, that the department may deny any such application, or may partially approve and grant permit for a lesser quantity of water than applied for, or may grant permit upon conditions as provided in the preceding section.

The approval of an application shall be indorsed thereon, and a record made of such indorsement in the department of water resources. The application so indorsed shall constitute a permit, and a copy thereof shall be returned to the applicant, and he shall be authorized, on receipt thereof, to proceed with the construction of the necessary works for the diversion of such water, and to take all steps required to apply the water to a beneficial use and perfect the proposed appropriation. In its indorsement of approval on any application the department shall require that actual construction work and application of the water to full beneficial use shall be complete within a period of five (5) years from the date of such approval, but may limit the application to a less period than is named in the application, and such indorsement shall give the date when beneficial application of the water to be diverted by such works shall be made. Sixty (60) days before the date set for the completion of the appropriation of water under any permit, the department shall forward a notice to the applicant by certified mail at his address of record of the date for such completion, which said notice shall advise the applicant of the necessity of submitting an affidavit of completion or a request for an extension of time on or before said date; Provided that:

1. In cases where the applicant is prevented from proceeding with his work by his failure to obtain necessary consent or final approval or rejection from the federal government because of the pendency of an application for right of way or other matter within the jurisdiction

of the United States, or by litigation of any nature which might bring his title to said water in question, the department of water resources upon proper showing of the existence of any such condition, and being convinced that said applicant is proceeding diligently and in good faith, shall extend the time so that the amount of time lost by such delays shall be added to the time given in the original permit for each and every action required.

2. The time for completion of works and application of the water to full beneficial use under any permit involving the ~~construction of a reservoir of more than two hundred thousand (200,000) acre feet capacity or for the appropriation of water to be impounded in such reservoir of more than two hundred thousand (200,000) acre feet capacity, or a~~ diversion of more than twenty-five thousand (25,000) acre feet in one (1) irrigation season for a project of no less than five thousand (5,000) acres, may upon application to the director of the department of water resources supported by a showing that additional time is needed on account of the time required for organizing, financing and constructing works of such large size, be extended by the director of the department of water resources for an additional period of seven (7) years, but not to exceed twelve (12) years in all from the date of permit: Provided, that no such extension shall be granted unless the applicant for such extension shall show that there has been actually expended toward the construction of said ~~reservoir or~~ diversion (including expenditures for the purchase of rights of way and property in connection therewith) at least one hundred thousand dollars ($100,000).

3. The time for completion of works and application of the water to full beneficial use under any permit involving the construction of a reservoir of more than ten thousand (10,000) acre feet capacity or for the appropriation of water to be impounded in such reservoir of more than ten thousand (10,000) acre feet capacity, may be extended by the director of the department of water resources upon application to the director if the permittee establishes that the permittee has exercised reasonable diligence and that good cause exists for the requested extension.

4. In connection with permits held by the United States, or the Idaho water resource board, whether acquired as the original applicant, by assignment or otherwise, the director of the department of water resources may extend the time for completion of the works and application of the water to full beneficial use for such additional period or periods of time as he may deem necessary upon application supported by a showing that such additional time is required by reason of the status of plans, authorization, construction fund appropriations, construction, or any arrangements which are found to be requisite to completion of the construction of such works.

~~4~~5. In all other situations not governed by these provisions the department may grant one (1) extension of time, not exceeding five (5) years beyond the date originally set for completion of works and application of the water to full beneficial use, upon request for extension received on or before the date set for completion, provided good cause appears therefor.

Any applicant feeling himself aggrieved by the indorsement made by

the department of water resources upon his application may request a hearing before the director in accordance with section 42-1701A(3), Idaho Code, for the purpose of contesting the indorsement and may seek judicial review pursuant to section 42-1701A(4), Idaho Code, of any final decision of the director following the hearing.

Every holder of a permit which shall be issued under the terms and conditions of an application filed hereafter appropriating twenty-five (25) cubic feet or less per second must, within one (1) year from the date upon which said permit issues from the office of the department of water resources, commence the excavation or construction of the works by which he intends to divert the water, and must prosecute the work diligently and uninterruptedly to completion, unless temporarily interrupted through no fault of the holder of such permit by circumstances, over which he has no control.

~~The--director-shall,-prior-to-July-1,-1982,-notify-holders-of-permits-existing-on-the-effective-date-of-the-act-of--the--provisions--of this--act.---Notice-shall-be-by-mail-to-the-permit-holder's-last-known address.-Existing-permit-holders-shall-have-one-(1)-year-from-the-date of-mailing-to-meet-the-provisions-of-this-section.~~

The holder of any permit who shall fail to comply with the provisions of this section within the time or times specified shall be deemed to have abandoned all rights under his permit.

SECTION 4. That Section 42-221, 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.

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, 1988..$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.

K. For receipt of all notices of application within a designated area, a reasonable annual 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.

SECTION 5. That Section 42-222, Idaho Code, be, and the same is hereby amended to read as follows:

42-222. CHANGE IN POINT OF DIVERSION, PLACE OF USE, PERIOD OF USE, OR NATURE OF USE OF WATER UNDER ESTABLISHED RIGHTS -- FORFEITURE AND EXTENSION -- APPEALS. (1) Any person, entitled to the use of water whether represented by license issued by the department of water resources, by claims to water rights by reason of diversion and application to a beneficial use as filed under the provisions of this chapter, or by decree of the court, who shall desire to change the point of diversion, place of use, period of use or nature of use of

all or part of the water, under the right shall first make application to the department of water resources for approval of such change. Such application shall be upon forms furnished by the department and shall describe the right licensed, claimed or decreed which is to be changed and the changes which are proposed, and shall be accompanied by the statutory filing fee as in this chapter provided. Upon receipt of such application it shall be the duty of the director of the department of water resources to examine same, obtain any consent required by section 42-108, Idaho Code, and if otherwise proper to ~~cause~~ provide notice of the proposed change ~~to be published once a week for two (2) consecutive weeks in a newspaper published and of general circulation within the county where the water is diverted, if there is such paper, otherwise in a newspaper of general circulation within the county~~ in the same manner as applications under section 42-203A, Idaho Code. Such notice shall advise that anyone who desires to protest the proposed change shall file notice of protests with the department within ten (10) days of the last date of publication. Upon the receipt of any protest it shall be the duty of the director of the department of water resources to investigate the same and to conduct a hearing thereon. He shall also advise the watermaster of the district in which such water is used of the proposed change and the watermaster shall notify the director of the department of water resources of his recommendation on the application, and the director of the department of water resources shall not finally determine the action on the application for change until he has received from such watermaster his recommendation thereof, which action of the watermaster shall be received and considered as other evidence.

The director of the department of water resources shall examine all the evidence and available information and shall approve the change in whole, or in part, or upon conditions, provided no other water rights are injured thereby, the change does not constitute an enlargement in use of the original right, and the change is in the local public interest as defined in section 42-203, Idaho Code; except the director shall not approve a change in the nature of use from agricultural use where such change would significantly affect the agricultural base of the local area. ~~The director shall not approve such a change in nature of use of a water right if a change has previously been allowed except where the change is back to the original use.~~ The transfer of the right to the use of stored water for irrigation purposes shall not constitute an enlargement in use of the original right even though more acres may be irrigated, if no other water rights are injured thereby. A copy of the approved application for change shall be returned to the applicant and he shall be authorized upon receipt thereof to make the change and the original water right shall be presumed to have been amended by reason of such authorized change. In the event the director of the department of water resources determines that a proposed change shall not be approved as provided in this section, he shall deny the same and forward notice of such action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(2) All rights to the use of water acquired under this chapter or otherwise shall be lost and forfeited by a failure for the term of

five (5) years to apply it to the beneficial use for which it was appropriated and when any right to the use of water shall be lost through nonuse or forfeiture such rights to such water shall revert to the state and be again subject to appropriation under this chapter. Provided, further, that upon proper showing before the director of the department of water resources of good and sufficient reason for non-application to beneficial use of such water for such term of five (5) years, the director of the department of water resources is hereby authorized to grant an extension of time extending the time for forfeiture of title for nonuse thereof, to such waters for a period of not to exceed five (5) additional years. Application for an extension shall be made before the end of the five (5) year period upon forms to be furnished by the department of water resources and shall fully describe the right on which an extension of time to resume the use is requested and the reasons for such nonuse and shall be accompanied by the statutory filing fee. Upon the receipt of such application it shall be the duty of the director of the department of water resources to examine the same and to ~~cause notice to be published once a week for two (2) consecutive weeks in a newspaper published and of general circulation within the county where the water has been diverted if there is such a paper, otherwise in a newspaper of general circulation within the county~~ provide notice of the application for an extension in the same manner as applications under section 42-203A, Idaho Code. The notice shall fully describe the right, the extension for which is requested and the reason for such nonuse and shall state that any person desiring to object to the requested extension may submit a protest to the director of the department of water resources within ten (10) days of the last date of publication. Upon receipt of a protest it shall be the duty of the director of the department of water resources to investigate and conduct hearing thereon as in this chapter provided. The director of the department of water resources shall find from the evidence presented in any hearing, or from information available to the department, the reasons for such nonuse of water and where it appears to the satisfaction of the director of the department of water resources that other rights will not be impaired by granting an extension of time within which to resume the use of the water and good cause appearing for such nonuse, he may grant one (1) extension of five (5) years within which to resume such use. In his approval of the application for an extension of time under this section the director of the department of water resources shall set the date when the use of water is to be resumed. Sixty (60) days before such date the director of the department of water resources shall forward to the applicant at his address of record a notice by certified mail setting forth the date on which the use of water is to be resumed and a form for reporting the resumption of the use of the water right. If the use of the water has not been resumed and report thereon made on or before the date set for resumption of use such right shall revert to the state and again be subject to appropriation, as provided in this section. In the event the director of the department of water resources determines that a proposed extension of time within which to resume use of a water right shall not be approved as provided in this section he shall deny same and forward notice of such

action to the applicant by certified mail, which decision shall be subject to judicial review as hereafter provided.

(3) Any person or persons feeling themselves aggrieved by the determination of the department of water resources in approving or rejecting an application to change the point of diversion, place, period of use or nature of use of water under an established right or an application for an extension of time within which to resume the use of water as provided in this section, may, if a protest was filed and a hearing held thereon, seek judicial review pursuant to section 42-1701A(4), Idaho Code. If no protest was filed and no hearing held, the applicant may request a hearing pursuant to section 42-1701A(3), Idaho Code, for the purpose of contesting the action of the director and may seek judicial review of the final order of the director following the hearing pursuant to section 42-1701A(4), Idaho Code.

SECTION 6. That Sections 42-240 and 42-311, Idaho Code, be, and the same are hereby repealed.

SECTION 7. That Chapter 3, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-311, Idaho Code, and to read as follows:

42-311. CANCELLATION OF PERMIT -- GROUNDS -- HEARING -- PERMITTEE DEFINED. (1) If the director of the department of water resources finds, on the basis of available information at any time after a permit is issued but prior to license, that the permittee has wilfully and intentionally failed to comply with any of the conditions in the permit, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before a date therein set, which shall be not less than thirty (30) days from the date of service, why the director of the department should not cancel said permit and declare the water subject to appropriation; or (b) an order directing the permittee to cease and desist the activity or activities alleged to be in violation of the conditions of the permit. A cease and desist order may direct compliance with the permit forthwith or may provide for a time schedule to bring the permittee into compliance with the conditions of the permit.

(2) Any order to show cause or order to cease and desist shall contain a statement of findings of fact and of conclusions of law that provide a factual and legal basis for the order of the director of the department of water resources.

(3) The director of the department of water resources shall serve forthwith, in accordance with the rules for service of a summons and complaint in the Idaho rules of civil procedure, a certified copy of any such order on the permittee.

(4) The permittee shall have a right to an administrative hearing before the department and to judicial review, all as provided in section 42-1701A, Idaho Code.

(5) The term "permittee," as used in this chapter, includes the heirs, successors, or assigns of the person to whom the department

issued a water right permit.

SECTION 8. That Chapter 3, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 42-350, 42-351 and 42-352, Idaho Code, and to read as follows:

42-350. REVOCATION OF LICENSE -- GROUNDS -- HEARING -- LICENSEE DEFINED. (1) If the director of the department of water resources finds, on the basis of available information at any time after a license is issued, that the licensee has ceased to put the water to a beneficial use for a period of five (5) continuous years or that the licensee has wilfully and intentionally failed to comply with any of the conditions in the license, then the director of the department of water resources may issue (a) an order to show cause before the director of the department or the director's designee on or before a date therein set, which shall be not less than thirty (30) days from the date of service, why the director of the department should not revoke said license and declare the water subject to appropriation; or (b) an order directing the licensee to cease and desist the activity or activities alleged to be in violation of the conditions of the license. A cease and desist order may direct compliance with the license forthwith or may provide for a time schedule to bring the licensee into compliance with the conditions of the license.

(2) Any order to show cause or order to cease and desist shall contain a statement of findings of fact and of conclusions of law that provide a factual and legal basis for the order of the director of the department of water resources.

(3) The director of the department of water resources shall serve forthwith, in accordance with the rules for service of a summons and complaint in the Idaho rules of civil procedure, a certified copy of any such order on the licensee.

(4) The licensee shall have a right to an administrative hearing before the department and to judicial review, all as provided in section 42-1701A, Idaho Code.

(5) If the director of the department of water resources has issued an order to show cause why the director should not revoke a license, the licensee may, within twenty-one (21) days from the date of service of the order, notify the director in writing of the intent of the licensee to waive the right to an administrative hearing before the department and to file a complaint in the district court for a determination of the validity of the license. The complaint shall name the director of the department of water resources as a defendant and shall be filed either in the county where the point of diversion or the place of use under the license is located, or in the county where the director issued the order to show cause. The complaint shall be filed within forty-two (42) days of the date of service of the order to show cause by the director.

(6) The term "licensee," as used in this chapter, includes the heirs, successors, or assigns of the person to whom the department issued a water right license.

42-351. ILLEGAL DIVERSION OR USE OF WATER -- CEASE AND DESIST ORDERS. (1) If the director of the department of water resources finds, on the basis of available information, that a person is diverting water from a natural watercourse or from a ground water source without having obtained a valid water right to do so or is applying water not in conformance with the conditions of a valid water right, then the director of the department of water resources may issue an order directing the person to cease and desist the activity or activities alleged to be in violation of applicable law or of any existing water right. A cease and desist order may direct compliance with applicable law and with any existing water right or may provide a time schedule to bring the person's actions into compliance with applicable law and with any existing water right.

(2) Any order to cease and desist shall contain a statement of findings of fact and of conclusions of law that provide a factual and legal basis for the order or the director of the department of water resources.

(3) The director of the department of water resources shall serve forthwith, in accordance with the rules for service of a summons and complaint in the Idaho rules of civil procedure, a certified copy of any such order on the person the subject of the cease and desist order.

(4) The person who is the subject of the cease and desist order shall have a right to an administrative hearing before the department and to judicial review, all as provided in section 42-1701A, Idaho Code.

42-352. CIVIL PENALTIES. (1) Any person who wilfully violates any cease and desist order issued under chapter 3, title 42, Idaho Code, after the same has been served on that person shall be subject to a civil penalty not to exceed one hundred dollars ($100) for each day following service of the cease and desist order in which the illegal diversion or use of water occurs. The director of the department of water resources shall have the authority to file an action in the appropriate district court to impose, assess and recover said civil penalties.

(2) All civil penalties collected by the director of the department of water resources under this section shall be deposited in the state water rights enforcement account established by section 42-1778, Idaho Code.

SECTION 9. That Chapter 17, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-1778, Idaho Code, and to read as follows:

42-1778. WATER RIGHTS ENFORCEMENT ACCOUNT. (1) The water rights enforcement account is hereby created and established in the agency asset fund.

(2) All moneys in the water rights enforcement account are reserved, set aside, appropriated and made available until expended as may be directed by the director of the department of water resources

in carrying out a water rights enforcement program.

SECTION 10. That Section 42-1805, Idaho Code, be, and the same is hereby amended to read as follows:

42-1805. ADDITIONAL DUTIES. In addition to other duties prescribed by law, the director of the department of water resources shall have the following powers and duties:

(1) To represent the state in all matters pertaining to interstate and international water rights affecting Idaho water resources; and to cooperate with all agencies, now existing or hereafter to be formed, within the state or within other jurisdictions, in matters affecting the development of the water resources of this state.

(2) To prepare a present and continuing inventory of the water resources of this state, ascertain means and methods of conserving and augmenting these and determine as accurately as possible the most effective means by which these water resources may be applied for the benefit of the people of this state.

(3) To conduct surveys, tests, investigations, research, examinations, studies, and estimates of cost relating to availability of unappropriated water, effective use of existing supply, conservation, storage, distribution and use of water.

(4) To prepare and compile information and data obtained and to make the same available to interested individuals or agencies.

(5) To cooperate with and coordinate activities with the administrator of the division of environmental protection of the department of health and welfare as such activities relate to the functions of either or both departments concerning water quality. Such cooperation and coordination shall specifically require that:

(a) The director meet at least quarterly with the administrator and his staff to discuss water quality programs. A copy of the minutes of such meeting shall be transmitted to the governor.

(b) The director transmit to the administrator, reports and information prepared by him pertaining to water quality programs, and proposed rules and regulations pertaining to water quality programs.

(c) The director shall make available to the administrator and the administrator shall make available to the director all notices of hearings relating to the promulgation of rules and regulations relating to water quality, waste discharge permits, and stream channel alteration, as such directly affect water quality, and notices of any other hearings and meetings which relate to water quality.

(6) To perform administrative duties and such other functions as the board may from time to time assign to the director to enable the board to carry out its powers and duties.

(7) After notice, to suspend the issuance or further action on permits or applications as necessary to protect existing vested water rights or to ensure compliance with the provisions of chapter 2, title 42, Idaho Code, or to prevent violation of minimum flow provisions of the state water plan.

(8) To promulgate, adopt, modify, repeal and enforce rules and

regulations implementing or effectuating the powers and duties of the department.

(9) To seek a preliminary or permanent injunction, or both, or a temporary restraining order restraining any person from violating or attempting to violate (a) those provisions of law relating to all aspects of the appropriation of water, distribution of water, headgates and measuring devices; or (b) the administrative or judicial orders entered in accordance with the provisions of law.

Approved April 3, 1986.

CHAPTER 314
(H.B. No. 569, As Amended)

AN ACT

RELATING TO SANITARY REGULATIONS FOR PUBLIC EATING PLACES; AMENDING SECTION 39-1611, IDAHO CODE, TO STRIKE REFERENCES TO INDIVIDUAL CLEAN TOWELS AND TO AUTHORIZE OTHER SANITARY DRYING DEVICES; AND AMENDING SECTION 39-1612, IDAHO CODE, TO STRIKE REFERENCES TO CUSPIDORS AND REQUIREMENTS FOR POSTING OF NOTICES.

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

SECTION 1. That Section 39-1611, Idaho Code, be, and the same is hereby amended to read as follows:

39-1611. SLEEPING IN COOK ROOM PROHIBITED -- WASHING FACILITIES AND REQUIREMENTS -- COMMON TOWEL PROHIBITED. No person shall sleep in any room where food is prepared, or cooked. No person in any way connected with the handling, cooking, preparing or serving of food in any kitchen or eating place, shall engage at work following a visit to a toilet room without first thoroughly cleansing his or her hands. Conveniently located washing facilities, including hot and cold running water, soap and ~~individual~~ clean towels or other sanitary drying devices, shall be provided in all such eating places. The use of a common towel is prohibited.

SECTION 2. That Section 39-1612, Idaho Code, be, and the same is hereby amended to read as follows:

39-1612. ~~CUSPIDORS---~~SMOKING, CHEWING, AND SPITTING ~~----NOTICES. Cuspidors--of--impervious--material--shall--be-provided-for-the-use-of employees-and-the--public,--and--these--shall--be--cleaned--daily.~~ No employee or other person shall spit or discharge any substance from the mouth or nose on the floor or walls of the kitchen or any other room of an eating place. The smoking, snuffing or chewing of tobacco is prohibited in any part of any eating place, except that smoking will be permitted in ~~the-toilet-room-or-rest-room,-and-in-the-dining room-by-the-public-only~~ designated smoking areas. ~~Plain-notices--shall be--posted--in-every-eating-place-forbidding-any-person-to-spit-on-the~~

~~floor or walls, or to use tobacco except as herein permitted.~~

Approved April 3, 1986.

CHAPTER 315
(H.B. No. 568)

AN ACT

RELATING TO MOTOR FUELS TAXES; AMENDING SECTION 63-2401, IDAHO CODE, TO PROVIDE A DEFINITION OF MOTOR FUELS; AMENDING CHAPTER 24, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2442A, IDAHO CODE, TO PROVIDE TAX COMMISSION AUTHORITY TO ENTER INTO INTERSTATE AGREEMENTS FOR THE ENFORCEMENT AND ADMINISTRATION OF MOTOR FUELS TAXES.

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

SECTION 1. That Section 63-2401, Idaho Code, be, and the same is hereby amended to read as follows:

63-2401. DEFINITIONS. ~~As used in~~ 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 with a capacity of fifty-five (55) gallons capacity or more 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 every place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel which is maintained by the state of Idaho or an agency or taxing subdivision or unit thereof or the federal government or an agency or instrumentality thereof. Provided, however, if the cost of maintaining a roadway is primarily borne by a special fuel user who is registered under section 63-2438, Idaho Code, pursuant to a written contract during any period of time that a special fuel tax liability accrues to the user, such a roadway shall not be considered a "highway" for any purpose related to calculating that user's special fuel's tax liability or refund.

(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 fuel" means all fuel subject to tax under this chapter.

(13) "Motor vehicle" means every self-propelled vehicle designed for operation or required to be licensed for operation upon a highway.

(~~13~~14) "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~~15) "Qualified one-way rental truck" means a motor vehicle registered in Idaho at a gross weight of twenty-six thousand (26,000) pounds or under having two (2) axles and a straight body which is exclusively used by the owner in the business of renting such vehicle without driver to the general public. It does not include a "truck tractor" as defined in section 49-101, Idaho Code. To be a qualified one-way rental truck the vehicle must display clearly identifiable commercial or other markings which identify the vehicle as part of a specific one-way rental fleet.

(~~15~~16) "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.

(16~~7~~) "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.

(17~~8~~) "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.

(18~~9~~) "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.

(~~19~~20) "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.

(20~~1~~) "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.

SECTION 2. That Chapter 24, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-2442A, Idaho Code, and to read as follows:

63-2442A. COOPERATIVE AGREEMENTS BETWEEN STATES. (1) The commission may enter into cooperative agreements with other states, for exchange of information and auditing of users of motor fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement, arrangement, declaration or amendment thereto is not effective until stated, in writing, and filed with the commission.

(2) An agreement may provide for determining the base state for users, users records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods including defining uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of motor fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.

(3) The commission may, as required by the terms of an agreement, forward to officers of another state any information in the

commission's possession relative to the manufacture, receipts, sale, use, transportation, or shipment of motor fuels by any person. The commission may disclose to officers of another state, the location of officers, motor vehicles, and other real and personal property of users of motor fuels.

(4) An agreement may provide for each state to audit the records of persons based in the state, to determine if the motor fuel taxes due each state are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the state, to each state in which the person has taxable use of motor fuels. For persons not based in this state and who have taxable use of motor fuel in this state, the commission may serve the audit findings received from another state, in the form of an assessment, on the person as though an audit was conducted by the commission.

(5) Any agreement entered into pursuant to this section does not preclude the commission from auditing the records of any person covered by the provisions of this chapter.

(6) The legal remedies for any person served with an order or assessment under this section are as prescribed in this chapter.

(7) If the commission enters into any agreement under the authority of this section, and the provisions set forth in the agreement are in conflict with any rules or regulations promulgated by the commission, the agreement provisions prevail.

Approved April 3, 1986.

CHAPTER 316
(H.B. No. 560)

AN ACT

RELATING TO THE BOARD OF DIRECTORS OF A BANK; AMENDING SECTION 26-213, IDAHO CODE, TO PROVIDE FOR REMOVAL OF A BANK DIRECTOR BY A VOTE OF TWO-THIRDS OF THE REMAINING BOARD MEMBERS.

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

SECTION 1. That Section 26-213, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

Any vacancy in the board of directors shall be filled by the

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

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

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

Every director shall take and subscribe an oath that he will diligently and honestly perform his duty in such office and will not knowingly violate or permit a violation of any provisions of the bank act, and such oath of office shall be transmitted to and filed with the department of finance. A director may be removed from office at any time for violation of his oath of office by the affirmative vote of two-thirds (2/3) of the entire board, exclusive of the director to be removed.

Every active officer and employee of any bank in this state shall furnish a surety bond in the penal sum of fifty thousand dollars ($50,000) to the bank by which he is employed for the faithful performance of his duties, executed by a surety company authorized to do business in the state of Idaho as a surety. In lieu of the individual surety bonds required by this section, a bank may provide a bankers

blanket bond in a minimum amount of two hundred fifty thousand dollars ($250,000). The conditions of such bond, whether the instrument so describes the conditions or not, shall be that the principal shall protect the obligee against any loss or liability that the obligee may suffer or incur by reason of the acts of dishonesty of the principal.

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

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

Approved April 3, 1986.

CHAPTER 317
(H.B. No. 552)

AN ACT

RELATING TO COMMISSIONERS OF FIRE PROTECTION DISTRICTS; AMENDING CHAPTER 14, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-1416A, IDAHO CODE, TO PROVIDE A PROCEDURE FOR THE TEMPORARY APPOINTMENT OF A MEMBER OF A BOARD OF FIRE PROTECTION DISTRICT COMMISSIONERS.

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

SECTION 1. That Chapter 14, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-1416A, Idaho Code, and to read as follows:

31-1416A. TEMPORARY INABILITY OF COMMISSIONER. Whenever, for any reason, any member of the board of fire protection district commissioners is temporarily unable to perform the duties of the office, the other members of the board shall appoint a suitable person to perform such duties temporarily as an acting officer as provided herein, until the incumbent of the office shall be able to resume the performance of his duties, or a vacancy occurs in such office.

Each member of the board of a fire protection district shall designate three (3) temporary interim successors to his powers and duties and specify their order of succession. Each member shall review and, as necessary, revise the designations of temporary interim successors so there are at least two (2) qualified temporary interim successors. The designation of a temporary interim successor shall become effective when the member making the designation files with the secretary of the board of the fire protection district the name, address and rank of the successors in order of succession.

When a member of the board of fire protection district commissioners is temporarily unable to perform the duties of office, the other members of the board shall appoint a temporary interim successor high-

est in order of succession who is available. The interim successor, except for the power and duty to appoint temporary interim successors, shall exercise the power and assume the duties of the member of the board of fire protection district commissioners. No person shall be designated or serve as a temporary interim successor unless he is qualified to hold the office of a member of the board of fire protection district commissioners, to whose powers and duties he is designated to succeed under the constitution and laws of the state of Idaho. The order of appointment of a temporary interim successor shall be recorded in the official proceedings of the board.

Approved April 3, 1986.

CHAPTER 318
(H.B. No. 539, As Amended in the Senate)

AN ACT

RELATING TO ADMINISTRATIVE RULES; AMENDING SECTION 67-5201, IDAHO CODE, TO PROVIDE THAT A RULE MEANS ANY AGENCY STATEMENT OF GENERAL APPLICABILITY THAT IMPLEMENTS OR PRESCRIBES LAW OR INTERPRETS A STATUTE AS THE STATEMENT APPLIES TO THE GENERAL PUBLIC AND TO EXCLUDE FROM THE DEFINITION OF RULE ORAL OR WRITTEN INTERPRETATIONS BY AN AGENCY OF AN EXISTING OR PROPOSED RULE AND ORAL AND WRITTEN STATEMENTS BY AN AGENCY AS TO HOW PERSONS OR BUSINESS ENTITIES CAN DOCUMENT THEIR COMPLIANCE WITH A PARTICULAR RULE.

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

SECTION 1. That Section 67-5201, Idaho Code, be, and the same is hereby amended to read as follows:

67-5201. DEFINITIONS. As used in this act:

(1) "agency" means each state board, commission, department or officer authorized by law to make rules or to determine contested cases, except those in the legislative or judicial branch, the state militia and the state board of corrections;

(2) "contested case" means a proceeding, including but not restricted to ratemaking and licensing, in which the legal rights, duties, or privileges of a party are required by law to be determined by an agency after an opportunity for hearing;

(3) "license" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar form of permission required by law, but it does not include a license required solely for revenue purposes;

(4) "licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;

(5) "party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

(6) "person" means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency;

(7) "rule" means ~~each~~ any agency statement of general applicability that implements~~,--interprets,~~ or prescribes law ~~or policy,-or describes the organization,-procedure,-or-practice-requirements-of-any agency~~ or interprets a statute as the statement applies to the general public. The term includes the amendment or repeal of a prior rule, but does not include (A) statements concerning only the internal management of any agency and not affecting private rights or procedures available to the public, or (B) declaratory rulings issued pursuant to section 67-5208, Idaho Code, or (C) intra-agency memoranda, or (D) statements of the state board of education and board of regents of the University of Idaho which relate to the curriculum of public educational institutions, to students attending or applicants to such institutions, or to the use and maintenance of land, equipment and buildings controlled by the respective institutions, or (E) any oral or written statement given by an agency which pertains to any interpretation of an existing or proposed rule, or (F) any oral or written interpretation by an agency as to how a person or a business entity can document their compliance with an existing rule.

(8) "statement of economic impact" means a statement of the economic impact for proposed rules and amendments to rules prepared by each promulgating agency. Each impact statement shall contain an evaluation of the costs and benefits of the rules and regulations to the people of the state of Idaho, including any health, safety or welfare costs and benefits.

Approved April 3, 1986.

CHAPTER 319
(H.B. No. 535)

AN ACT

RELATING TO CRIMINAL SENTENCE ENHANCEMENTS; REPEALING SECTION 19-2520A; AND AMENDING SECTIONS 19-2520, 19-2520B AND 19-2520C, IDAHO CODE, TO PROVIDE THAT IF A CERTAIN FELONY IS COMMITTED AND A FIREARM WAS USED OR GREAT BODILY HARM WAS INTENTIONALLY DONE OR THE PERSON CONVICTED IS A REPEAT SEX OFFENDER, THEN THE MAXIMUM SENTENCE PROVIDED FOR THE CRIME SHALL BE EXTENDED BY A PERIOD OF YEARS AS PROVIDED BY STATUTE, TO STRIKE OBSOLETE REFERENCES IN SECTION 19-2520, IDAHO CODE, AND TO CORRECT A REFERENCE IN SECTION 19-2520C, IDAHO CODE.

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

SECTION 1. That Section 19-2520A, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Section 19-2520, Idaho Code, be, and the same is

hereby amended to read as follows:

19-2520. EXTENDED 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 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~~ be sentenced to an extended term of imprisonment. The extended term of imprisonment authorized in this section shall be computed by increasing the maximum sentence authorized for the crime for which the person was convicted by fifteen (15) years.

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 3. That Section 19-2520B, Idaho Code, be, and the same is hereby amended to read as follows:

19-2520B. INFLICTION OF GREAT BODILY INJURY -- ATTEMPTED FELONY OR CONSPIRACY -- ~~MANDATORY-MINIMUM--ENHANCEMENT~~ EXTENSION 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,~~ be sentenced to an extended term sentence. The extended term of imprisonment authorized in this section shall be computed by increasing the maximum sentence authorized for the crime for which the person was convicted by twenty (20) years. A term of imprisonment shall be extended as provided in this section 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~~ extended term of imprisonment 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-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~~ EXTENSION OF PRISON TERMS FOR REPEATED SEX OFFENSES, EXTORTION AND KIDNAPPING. (1) Any person who is found guilty of violation of the provisions of sections 18-2840~~1~~ (extortion), 18-4501 (kidnapping), 18-6101 (rape), 18-6605 (crime against nature), or 18-1508 (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 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~~ be sentenced to an extended term sentence. The extended term of imprisonment authorized in this section shall be computed by increasing the maximum sentence authorized for the crime for which the person was convicted by fifteen (15) years; provided, however, that no ~~enhancement~~ extension 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~~ extension 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~~ be sentenced to an extended term sentence. The extended term of imprisonment authorized in this section shall be computed by increasing the maximum sentence authorized for the crime for which the person was convicted by twenty (20) years; provided, that no ~~additional enhancement~~ extended term of imprisonment 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 extended terms of ~~enhancement~~ imprisonment 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--extended--term--of--enhancement required by this section shall be served consecutively to any other term--of--imprisonment--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 extended term of ~~enhancement~~ imprisonment 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.

Approved April 3, 1986.

CHAPTER 320
(H.B. No. 500, As Amended in the Senate)

AN ACT

RELATING TO THE UNLAWFUL PASSING OF SCHOOL BUSES; AMENDING CHAPTER 11, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1132A, IDAHO CODE, TO PROVIDE SHOW CAUSE, CONTEMPT PROCEEDINGS AND DRIVERS' LICENSE SUSPENSIONS OF ANY PERSON WHO ILLEGALLY OVERTAKES OR PASSES A SCHOOL BUS.

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

SECTION 1. 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 49-1132A, Idaho Code, and to read as follows:

49-1132A. OWNER'S LIABILITY FOR VEHICLE ILLEGALLY PASSING SCHOOL BUS. (1) Every school bus driver who observes a violation of the provisions of section 49-1132, Idaho Code, is authorized and directed to record the vehicle description and license number of the offending vehicle and time and place of the occurrence and report such information within twenty-four (24) hours of the occurrence to any peace officer. Such peace officer shall file a report containing such information with the prosecuting attorney of the county or the city attorney of the city in which the alleged violation occurred, whichever office has prosecutorial jurisdiction. Such prosecuting attorney or city attorney may petition the district court for a subpoena to compel attendance and testimony of any person determined to be a registered owner of the vehicle described in such reports. Any judge of the district court shall have the authority, upon a determination that there is probable cause to suspect a violation of the provisions of section 49-1132, Idaho Code, to issue a show cause order requiring the attendance and testimony of the registered owner on record with the Idaho transportation department. Such registered owner shall attend and testify, subject to civil contempt sanction of a fine for failure or refusal to so appear or testify, unless that person confesses to a violation of the provisions of section 49-1132, Idaho Code. Should such registered owner fail or refuse to attend or testify, he shall be held in contempt of court, unless such registered owner claims a privilege against self-incrimination.

If such person claims a privilege against self-incrimination, and if the judge determines that such a claim of privilege is appropriate, the judge may, upon motion of the prosecuting authority, grant immunity from criminal prosecution to the person claiming the privilege for the specific, alleged violation of the provisions of section 49-1132, Idaho Code, which constitutes the basis of the inquiry. Upon the granting of such immunity, if the registered owner fails or refuses to testify fully, such refusal shall constitute an admission of liability for civil, administrative purposes, and the judge shall suspend the driver's license of such registered owner for a period not to exceed thirty (30) days, or impose a civil penalty of not more than one hundred dollars ($100), or impose both the suspension and fine. If, otherwise, at the conclusion of the hearing the judge finds by a preponderance of the evidence, on the record as a whole, that the registered owner committed such acts described in section 49-1132, Idaho Code, such judge shall suspend the driver's license of that person for a period not to exceed thirty (30) days.

Approved April 3, 1986.

CHAPTER 321
(H.B. No. 496, As Amended)

AN ACT

RELATING TO MEETINGS OF THE STATE BOARD OF EXAMINERS; AMENDING SECTION 67-2002, IDAHO CODE, TO PROVIDE FOR REGULAR MEETINGS OF THE STATE

BOARD OF EXAMINERS ON THE SECOND TUESDAY OF EACH MONTH.

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

SECTION 1. That Section 67-2002, Idaho Code, be, and the same is hereby amended to read as follows:

67-2002. SESSIONS OF BOARD -- CLAIMS. Regular sessions of the state board of examiners shall be held on the ~~third~~ second Tuesday of each month~~, in the office of the governor~~. Other sessions may be held at such time and place, and upon such notice, as the board may by resolution prescribe. No claim shall be examined and passed upon by any member unless a majority of the board is present.

Approved April 3, 1986.

CHAPTER 322
(H.B. No. 494)

AN ACT

RELATING TO GOOD CONDUCT REDUCTION OF SENTENCES; AMENDING SECTION 20-101A, IDAHO CODE, TO PROVIDE THE PROVISIONS OF THE SECTION ARE APPLICABLE ONLY TO OFFENSES COMMITTED PRIOR TO JULY 1, 1986; AMENDING CHAPTER 1, TITLE 20, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 20-101D, IDAHO CODE, TO ALLOW THE AWARDING OF A MERITORIOUS REDUCTION OF SENTENCE BY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IF THE INMATE COMPLETES AN EXTRAORDINARY ACT OF HEROISM OR FOR OUTSTANDING SERVICE TO THE STATE WHICH RESULTS IN THE SAVING OF LIVES OR PREVENTING MAJOR PROPERTY DESTRUCTION DURING A RIOT OR PREVENTING ESCAPE, TO PROVIDE A LIMIT ON THE AMOUNT A SENTENCE CAN BE REDUCED AND TO ALLOW THE DIRECTOR TO WITHDRAW A MERITORIOUS CONDUCT REDUCTION.

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

SECTION 1. That Section 20-101A, Idaho Code, be, and the same is hereby amended to read as follows:

20-101A. GOOD CONDUCT REDUCTION OF SENTENCES. Each person convicted of an offense against the state, which was committed prior to July 1, 1986, and confined in a penal or correctional institution for a definite term other than for life, whose record of conduct shows that he has faithfully observed all the rules and has not been subject to punishment, is entitled to a deduction from the term of his sentence beginning with the day on which the sentence starts to run as follows:

(1) Five (5) days for each month, if the sentence is not less than six (6) months and not more than one (1) year.

(2) Six (6) days for each month, if the sentence is more than one (1) year and less than three (3) years.

(3) Seven (7) days for each month, if the sentence is not less than three (3) years and less than five (5) years.

(4) Eight (8) days for each month if the sentence is not less than five (5) years and less than ten (10) years.

(5) Ten (10) days for each month, if the sentence is ten (10) years or more.

When two (2) or more consecutive sentences are served, the basis upon which the deduction is computed is the aggregate of several sentences.

In addition, those inmates doing an outstanding job, may be awarded industrial or meritorious goodtime under rules adopted by the state board of correction, not to exceed five (5) days per month.

Inmates performing exceptionally meritorious or outstanding services under rules adopted by the state board of correction may be awarded a lump sum of goodtime. The number of days awarded may not exceed the regulatory maximum.

SECTION 2. That Chapter 1, Title 20, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 20-101D, Idaho Code, and to read as follows:

20-101D. MERITORIOUS REDUCTION OF SENTENCE. (1) Each person convicted of an offense against the state committed on or after July 1, 1986, sentenced and confined in a state correctional facility for any term other than life, may be awarded a meritorious conduct reduction of their sentence by the director of the department of correction. Meritorious conduct reduction of the sentence may be awarded when an inmate completes an extraordinary act of heroism at the risk of his own life or for outstanding service to the state of Idaho which results in the saving of lives, prevention of destruction or major property loss during a riot, or the prevention of an escape from a correctional facility. The award of a meritorious conduct reduction may be given under rules adopted by the Idaho board of correction. The number of days awarded may not exceed fifteen (15) days for each month sentenced.

(2) For each inmate sentenced for a crime committed on or after July 1, 1986, the director of the department of correction may withdraw a meritorious conduct reduction awarded pursuant to subsection (1) of this section according to rules of the board of correction.

Approved April 3, 1986.

CHAPTER 323
(H.B. No. 489, As Amended)

AN ACT

RELATING TO SNOWMOBILES AND ALL TERRAIN VEHICLES; AMENDING SECTION 49-2603, IDAHO CODE, TO DEFINE ALL TERRAIN VEHICLES; AMENDING SECTION 49-2605, IDAHO CODE, TO INCREASE CERTAIN FEES REGARDING

REGISTRATION OF SNOWMOBILES, TO STRIKE LANGUAGE RELATING TO RENEWAL FOR A CERTIFICATE OF NUMBER, AND TO PROVIDE THAT THE ANNUAL FEES FOR CERTIFICATES OF NUMBER ISSUED TO DEALERS SHALL BE TEN DOLLARS; AMENDING SECTION 49-2608, IDAHO CODE, TO PROVIDE THAT COUNTIES SHALL BE ENTITLED TO RECEIVE FROM THE DEPARTMENT OF PARKS AND RECREATION A CERTAIN PERCENTAGE OF MONEYS GENERATED FOR THAT COUNTY DURING THAT REGISTRATION PERIOD, TO PROVIDE THAT AUTHORIZED AGENTS AND COUNTY ASSESSORS SHALL BE ENTITLED TO CHARGE AN ADDITIONAL ONE DOLLAR HANDLING FEE PER REGISTRATION FOR THE DISTRIBUTION OF CERTIFICATES OF NUMBER; AMENDING SECTION 49-2613, IDAHO CODE, TO INCREASE THE AMOUNT OF ESTIMATED PROPERTY DAMAGE INCURRED IN A SNOWMOBILE ACCIDENT BEFORE A PROPER LAW ENFORCEMENT AGENCY MUST BE NOTIFIED REGARDING THE FACTS OF THE ACCIDENT; AND AMENDING CHAPTER 26, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-2616, IDAHO CODE, TO PROVIDE THAT ANY ALL TERRAIN VEHICLES OPERATING ON GROOMED SNOWMOBILE TRAILS DURING THE WINTER SNOWMOBILING SEASON SHALL BE REGISTERED, AND TO PROVIDE THAT COUNTIES SHALL HAVE THE OPTION TO ALLOW ALL TERRAIN VEHICLES, IF REGISTERED, TO USE SNOWMOBILE TRAILS IN THE COUNTY.

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

SECTION 1. That Section 49-2603, Idaho Code, be, and the same is hereby amended to read as follows:

49-2603. DEFINITIONS. As used in this chapter:

(1) "Person" means an individual, partnership, association, corporation, or any other body or group of persons, whether incorporated or not, and regardless of the degree of formal organization.

(2) "Snowmobile" means any self-propelled vehicle under one thousand (1,000) pounds unladened gross weight, designed primarily for travel on snow or ice or over natural terrain, which may be steered by tracks, skis, or runners, and which is not otherwise registered or licensed under the laws of the state of Idaho.

(3) "Owner" means every person holding record title to a snowmobile and entitled to the use or possession thereof, other than a lienholder or other person having a security interest only.

(4) "Operator" means each person who operates or is in physical 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 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.

(12) "All terrain vehicle (ATV)" means any recreation vehicle with two (2) or more tires, under six hundred (600) pounds and less than forty-eight (48) inches in width, traveling on low pressure tires, less than five (5) pounds psi, and designed to be ridden by one (1) person.

SECTION 2. That Section 49-2605, Idaho Code, be, and the same is hereby amended to read as follows:

49-2605. APPLICATION FOR NUMBER -- ATTACHMENT OF NUMBER -- CERTIFICATE -- APPLICATION FOR TRANSFER OF CERTIFICATE -- TEMPORARY NUMBER -- FEES. (1) On or before November 1 of each year, commencing with November 1, 1969, the owner of each snowmobile requiring numbering by the state of Idaho shall file an application for number with the department on forms approved by it. The application shall be signed by the owner and shall, except as provided in subsection (7) of this section, be accompanied by a fee of ~~five~~ ten dollars ($~~5~~10.00). Upon receipt of the application in approved form the department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the snowmobile and the name and address of the owner. The owner shall paint on or attach to the snowmobile the identification number in such manner as may be prescribed by rules and regulations of the department in order that it may be completely visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the snowmobile for which issued, wherever such snowmobile is in operation.

(2) The department may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. In the event a person accepts such authorization, he may be assigned a block of numbers and certificates therefor which upon award, in conformity with this act and with any rules and regulations of the department, shall be valid as if awarded directly by the department.

(3) All records of the department made or kept pursuant to this section shall be public records.

(4) ~~Every certificate of number awarded pursuant to this act shall continue in full force and effect for one (1) year from the date of issuance. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the same.~~

~~(5)~~ The purchaser of a snowmobile shall, within fifteen (15) days immediately after acquiring same, make application to the department for transfer to him of the certificate of number issued to such snowmobile, giving his name, address and the number of such snowmobile and shall at the same time pay to the department a fee of ~~five~~ ten dollars ($~~5~~10.00). Upon receipt of application and fee, the department shall transfer the certificate of number issued for such snowmobile to the new owner or owners. Unless such application is made and fee paid within fifteen (15) days, such snowmobile shall be deemed to be with-

out certificate of number and it shall be unlawful for any person to operate such snowmobile until the certificate is issued.

(~~6~~5) No number other than the number awarded to a snowmobile pursuant to this act shall be painted, attached, or otherwise displayed on such snowmobile, except a temporary number may be attached to identify a snowmobile for the purpose of racing or other sporting events.

(~~7~~6) The annual fee for certificates of number issued to dealers shall be ten dollars ($10.00) ~~for the first certificate issued and three dollars ($3.00) for each additional certificate issued to a dealer~~, whether for demonstration or rental purposes. Certificates issued to dealers shall at all times be displayed on snowmobiles being rented or demonstrated.

SECTION 3. That Section 49-2608, Idaho Code, be, and the same is hereby amended to read as follows:

49-2608. DISTRIBUTION OF MONEYS COLLECTED -- COUNTY SNOWMOBILE FUND -- 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~~ for 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¢)~~ one dollar ($1.00) 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 49-2613, Idaho Code, be, and the same is hereby amended to read as follows:

49-2613. ACCIDENT RESULTING IN PERSONAL INJURIES OR PROPERTY

DAMAGE. The operator of any snowmobile involved in any accident resulting in injuries to or death to any person or property damage in the estimated amount of ~~one~~ two hundred dollars ($~~1~~200) or more, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident should the operator of the snowmobile be unknown, shall immediately notify a proper law enforcement agency of the facts relating to the accident and within five (5) days file a report of the circumstances with the department on forms prescribed by the department. For any accident occurring on a highway or public roadway the owner, the operator, or both shall be subject to the provisions of section 49-1404, Idaho Code.

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 49-2616, Idaho Code, and to read as follows:

49-2616. GROOMED SNOWMOBILE TRAILS. Any all terrain vehicle operating on groomed snowmobile trails during the winter snowmobiling season when the trails are groomed shall be registered as provided in this chapter. Counties shall have the option to allow all terrain vehicles, if registered, to use snowmobile trails in the county.

Approved April 3, 1986.

CHAPTER 324
(H.B. No. 660)

AN ACT

RELATING TO HAZARDOUS WASTE MANAGEMENT; AMENDING SECTION 39-4403, IDAHO CODE, TO FURTHER DEFINE TERMS; AND AMENDING CHAPTER 44, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-4423, IDAHO CODE, TO PROVIDE THAT NO PERSON SHALL DISCHARGE, DEPOSIT, INJECT, DUMP, SPILL, LEAK OR PLACE ANY RESTRICTED HAZARDOUS WASTE INTO OR ON ANY LAND OR WATER AT A COMMERCIAL HAZARDOUS WASTE FACILITY OR SITE, TO PROVIDE A VARIANCE PROCEDURE AND TO PROVIDE FOR PROMULGATION OF RULES AND REGULATIONS BY THE BOARD OF HEALTH AND WELFARE REGARDING LEVELS OR METHODS OF TREATMENT OF HAZARDOUS WASTE WHICH WOULD ALLOW THE WASTE TO BE DISPOSED OF IN A LAND DISPOSAL FACILITY.

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

SECTION 1. That Section 39-4403, Idaho Code, be, and the same is hereby amended to read as follows:

39-4403. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho board of health and welfare.

(2) "Commercial hazardous waste facility or site" means any hazardous waste facility whose primary business is the treatment,

storage or disposal, for a fee or other consideration, of hazardous waste generated offsite by generators other than the owner and operator of the facility.

(3) "Department" means the Idaho department of health and welfare.

(4) "Director" means the director of the Idaho department of health and welfare or the director's authorized agent.

(5) "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.

(6) "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.

(7) "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, ignitible, 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.

(8) "Hazardous waste management" means the systematic control of the collection, source separation, storage, treatment, transportation, processing, and disposal of hazardous wastes.

(9) "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.

(10) "Injection" means the subsurface emplacement of free liquids.

(11) "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.

(~~11~~12) "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~~3) "RCRA" means the Resource Conservation and Recovery Act of 1976 as amended in 1978 ~~and~~, 1980 and 1984.

(14) "Restricted hazardous waste" means either of the following:

(a) Any hazardous waste which contains any of the following substances, in the following concentrations, as determined without considering any dilution which may occur, unless the dilution is a normal part of the manufacturing process:

(i) Liquid hazardous wastes containing free cyanides or sulfides at concentrations greater than, or equal to, one thousand (1,000) parts per million.

(ii) Liquid hazardous wastes containing any of the following metals or elements, or compounds of these metals or elements, at concentrations greater than, or equal to, any of the following:

Arsenic	500 parts per million
Cadmium	100 parts per million
Chromium (VI)	500 parts per million
Lead	500 parts per million
Mercury	20 parts per million
Nickel	134 parts per million
Selenium	100 parts per million
Thallium	130 parts per million

(iii) Liquid hazardous wastes having a pH less than or equal to two (2).

(iv) Liquid hazardous wastes containing polychlorinated biphenyls at concentrations greater than, or equal to, fifty (50) parts per million.

(v) Hazardous wastes containing halogenated organic compounds in total concentration greater than, or equal to, one thousand (1,000) milligrams per kilogram.

(b) A hazardous waste may be classified as a restricted hazardous waste by the adoption of rules and regulations by the board, taking into account the hazardous wastes banned from land disposal by the U.S. environmental protection agency.

(13~~5~~) "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.

(14~~6~~) "Transportation" means the movement of any hazardous waste to or from a hazardous waste facility or site.

(15~~7~~) "Transporter" means any person who transports a hazardous waste to or from a hazardous waste facility or site.

(16~~8~~) "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.

(17~~9~~) "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.

SECTION 2. That Chapter 44, 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 39-4423, Idaho Code, and to read as follows:

39-4423. DISPOSAL OF RESTRICTED HAZARDOUS WASTES PROHIBITED. (1) Notwithstanding any other provision of law to the contrary, no person shall discharge, deposit, inject, dump, spill, leak, or place any restricted hazardous waste, as defined in section 39-4403, Idaho Code, into or on any land or water at a commercial hazardous waste facility or site.

(2) The department may issue a variance from the requirements of subsection (1) of this section, if, in the judgment of the director, application of the requirements would cause undue hardship and the granting of the variance would not be harmful to the public interest or inconsistent with RCRA requirements. In issuing the variance, the director shall take into account:

(a) The long-term uncertainties associated with land disposal;

(b) The goal of managing hazardous waste in an appropriate manner in the first instance; and

(c) The persistence, toxicity, mobility, and propensity to bioaccumulate of such hazardous wastes and their hazardous constituents.

(3) (a) The board shall promulgate rules and regulations specifying those levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized.

(b) If such restricted hazardous waste has been treated to the level or by a method specified in regulations promulgated under this subsection, such waste or residue thereof shall not be subject to the prohibition in subsection (1) of this section and may be disposed of in a land disposal facility which meets the requirements of this chapter.

Approved April 3, 1986.

CHAPTER 325
(H.B. No. 659)

AN ACT

RELATING TO AGRICULTURAL FIELD BURNING; AMENDING SECTION 39-2301, IDAHO CODE, TO STRIKE LANGUAGE DIRECTING THE DEPARTMENT OF HEALTH AND WELFARE TO PROMULGATE CERTAIN RULES AND REGULATIONS AND TO PROVIDE THAT THE DEPARTMENT OF HEALTH AND WELFARE SHALL NOT

PROMULGATE CERTAIN RULES AND REGULATIONS; AMENDING CHAPTER 23, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2302, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING SECTION 39-2302, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO SPECIFY THAT AGRICULTURAL BURNING FEES SHALL BE FOR CERTAIN COUNTIES ONLY; AMENDING SECTION 39-2303, IDAHO CODE, TO REDESIGNATE THE SECTION; AMENDING CHAPTER 23, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-2305, IDAHO CODE, TO PROVIDE FOR AGRICULTURAL FIELD BURNING; AND REPEALING CERTAIN RULES OF THE DEPARTMENT OF HEALTH AND WELFARE.

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

SECTION 1. That Section 39-2301, Idaho Code, be, and the same is hereby amended to read as follows:

39-2301. LEGISLATIVE FINDINGS AND INTENT. The legislature finds that current knowledge and technology support the practice of burning grass seed fields to control disease, weeds, and pests and the practice of burning cereal crop residues where soil has inadequate decomposition capacity. It is the intent of the legislature to promote those agricultural activities currently relying on field burning and minimize any potential effects on air quality. ~~In order to implement the provisions of this chapter, the department of health and welfare shall by regulation establish a smoke management plan~~ It is the further intent of the legislature that the department shall not promulgate rules and regulations relating to a smoke management plan, but rather that the department cooperate with the agricultural community in establishing a voluntary smoke management program.

SECTION 2. That Chapter 23, 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 39-2302, Idaho Code, and to read as follows:

39-2302. DEFINITIONS. In this chapter:

(1) "Cereal grain field" means a field of grass cultivated for edible seeds such as wheat, oats, barley, rye, rice, maize, grain, sorghum, and proso millet.

(2) "Department" means the Idaho department of health and welfare.

(3) "Director" means the director of the Idaho department of health and welfare.

(4) "Field grass" or "forage grass field" means a field which has been planted with one (1) of the following varieties of grass for the purpose of producing seed: canary grass, bromegrass, oat grass, Timothy grass, wheat grass, or orchard grass.

(5) "Good smoke dissipation" means smoke rises well above ground level.

(6) "Reasonable efforts" means, but is not limited to, the obtaining of any available information on local meteorological conditions and observing the smoke plume from small test fires or from

other field burns.

(7) "Turf grass field" means a field which has been planted with one (1) of the following varieties of grass for the purpose of producing seed: bluegrass, bent grass, fescues, or perennial ryegrass.

SECTION 3. That Section 39-2302, Idaho Code, be, and the same is hereby amended to read as follows:

39-2302~~3~~. AGRICULTURAL BURNING FEES -- ACCOUNT -- REGULATIONS -- RESEARCH -- MANAGEMENT PROGRAM. (1) Any person who applies to the department ~~of--health--and-welfare~~ for an agricultural burning permit ~~required-by-regulations-adopted--pursuant--to--section--39-107,--Idaho Code,~~ to be conducted in Kootenai or Benewah counties shall pay to the department a fee of one dollar ($1.00) per acre of cropland to be burned. The department shall remit all fees monthly to the state treasurer, who shall deposit the moneys in the state agricultural smoke management account which is hereby created. The board of health and welfare may, upon the recommendation of the department, adopt rules and regulations pertaining to:

(a) Collection, handling, and refund of fees established in this subsection; and

(b) Disbursement of funds from the account as provided in subsection (2) of this section.

(2) The department ~~of-health-and-welfare~~ may use moneys from the agricultural smoke management account as appropriated annually by the legislature for:

(a) Research to: (i) develop alternative crops which do not require burning; (ii) improve burning and cultural practices for crops which may require burning; and (iii) explore alternatives to burning; and

(b) Supplementation of appropriated general account moneys for implementation of the agricultural smoke management program referenced in subsection (1) of this section.

SECTION 4. That Section 39-2303, Idaho Code, be, and the same is hereby amended to read as follows:

39-2303~~4~~. SMOKE MANAGEMENT ADVISORY BOARD. (1) A smoke management advisory board is established in the department to advise the director in the administration and enforcement of the provisions of this chapter by overseeing the funds provided and to review and recommend research programs. The board shall consist of five (5) members; three (3) from the agricultural community and two (2) nonagriculturists from the general public, appointed by the governor and to serve at the pleasure of the governor. The sixth member shall be ex officio and shall be the chief of the air quality bureau. The board shall be appointed within ninety (90) days following adoption of this chapter.

(2) The board shall, on the first day of each July or as soon thereafter as practicable, elect a chairman and a vice chairman from among its members, and these officers shall hold office until their successors are elected. As soon as the board has elected its officers, the secretary shall certify the results of the election to the direc-

tor. The chairman shall preside at all meetings of the board and the secretary shall make a record of the proceedings which shall be preserved in the offices of the department. If the chairman is absent from any meeting of the board, his duties shall be discharged by the vice chairman. All members of the board present at a meeting shall be entitled to vote on any question, matter, or thing which properly comes before it.

SECTION 5. That Chapter 23, 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 39-2305, Idaho Code, and to read as follows:

39-2305. AGRICULTURAL FIELD BURNING. (1) The open burning of plant life grown in agricultural fields shall be an allowable form of open burning when the provisions of this section are met, for the purpose of:

(a) Disposing of crop residues;

(b) Developing physiological conditions conducive to increased crop yields; or

(c) Controlling diseases, insects, pests or weed infestations.

(2) The following provisions shall apply to all agricultural field burning:

(a) Any person conducting agricultural field burning in Kootenai and Benewah counties must make every reasonable effort to burn only when weather conditions are conducive to good smoke dissipation as determined by the industry conducted smoke management program, and the burning does not violate current state and federal air quality standards; and

(b) The open burning of crop residue shall be conducted in the field where it was generated.

(3) The legislature finds that there are a great many cereal grain, field grass, forage grass, and turf grass fields in Kootenai and Benewah counties, and it is a practice to burn these fields to control disease, weeds and pests in these counties. Therefore, in Kootenai and Benewah counties no person shall conduct or allow any agricultural field burning without first registering each field with the department each year burning is conducted. Approved forms for registering fields and providing justification for burning when needed may be obtained at the Coeur d'Alene division of environment field office. This provision is not met unless the forms contain all required information and are received and approved by the department prior to field ignition.

(4) The use of reburn machines, propane flamers, or other devices to ignite or reignite a field shall be considered a special agricultural burning operation, and as such shall not be required to meet the provisions of department rules and regulations, unless air stagnation advisories are in effect.

SECTION 6. Idaho Department of Health and Welfare Rules and Regulations, Sections 01.1002,19., 01.1002,39., 01.1002,91., 01.1002,100. and 01.1153,07., Chapter 1, Title 1, "Rules and Regulations for the

Control of Air Pollution in Idaho," are hereby repealed.

Approved April 3, 1986.

CHAPTER 326
(H.B. No. 651)

AN ACT

RELATING TO RENEWAL OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE; AMENDING SECTION 49-322, IDAHO CODE, TO PROVIDE THAT A MEMBER OF THE IMMEDIATE FAMILY ACCOMPANYING A PERSON SERVING ON ACTIVE DUTY IN THE ARMED FORCES OF THE UNITED STATES SHALL BE ENTITLED TO AN AUTOMATIC EXTENSION OF AN OPERATOR'S OR CHAUFFEUR'S LICENSE.

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 -- 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 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 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 the fee fixed in section 49-312, Idaho Code, an extension of the license, but 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, or a member of the immediate family accompanying such a person, 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.

Approved April 3, 1986.

CHAPTER 327
(H.B. No. 648, As Amended)

AN ACT

RELATING TO BONDS ISSUED BY HIGHWAY DISTRICTS; AMENDING SECTION 40-1101, IDAHO CODE, TO PROVIDE AUTHORITY TO A HIGHWAY DISTRICT TO ISSUE NEGOTIABLE COUPON BONDS UNDER THE PROVISIONS OF THE IDAHO CONSTITUTION, AND SPECIFYING THE PURPOSES FOR WHICH THOSE BONDS MAY BE ISSUED; AND PROVIDING VALIDATION FOR CERTAIN ACTIONS.

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

SECTION 1. That Section 40-1101, Idaho Code, be, and the same is hereby amended to read as follows:

40-1101. BONDS -- FUNDING. Every highway district ~~has~~ is granted the authority~~,--by-resolution-of-the-respective-board-of-highway-district-commissioners-and-without-an-election,~~ under article VIII of the Idaho constitution to issue negotiable coupon bonds for ~~the-purpose-of funding-or-refunding-any-existing-indebtedness,-whether-the--indebtedness--exists--as--warrant-indebtedness-or-otherwise;-for~~ construction, improvements or repairs of any highways~~,-bridges~~ or structures in the district; for the purchase of material and machinery; for contracting highway ~~and-bridge~~ engineering and construction; for the necessary expenses of the district in connection with these purposes; or for any or all of these or connected purposes. Every highway district is also granted the authority by resolution of its board of commissioners, without election, to issue negotiable coupon bonds for the purposes of funding or refunding any existing indebtedness, whether the indebtedness exists as warrant indebtedness or otherwise. Where an election is required under the provisions of article VIII of the Idaho constitution to authorize a bond issue, the election may be a special election or it may be held with other elections. Elections shall be conducted, as nearly as possible, in the same manner as county elections. Authorization for the issuance, sale and redemption of bonds other than

funding or refunding existing indebtedness, shall be as provided by chapter 2, title 57, Idaho Code. The total amount of bonds any district has issued and outstanding at any time shall not exceed two per cent (2%) of the market value for assessment purposes of all the taxable property in the district as shown by the last preceding assessment list.

SECTION 2. All elections which have been held for the purpose of incurring indebtedness and financing projects and all bonds which have been issued pursuant to Chapter 253, Laws of 1985, between July 1, 1985, and the effective date of this act, are hereby validated.

Approved April 3, 1986.

CHAPTER 328
(H.B. No. 647)

AN ACT

RELATING TO HIGHWAYS; AMENDING SECTIONS 40-104, 40-109, 40-201, 40-203, 40-206, 40-603, 40-604, 40-1310, AND 40-1311, IDAHO CODE, TO CORRECT TERMINOLOGY; AND AMENDING SECTION 40-607, IDAHO CODE, TO CHANGE TERMINOLOGY; AND STRIKE A CONFLICTING PROVISION RELATING TO URBAN EXTENSIONS.

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

SECTION 1. That Section 40-104, Idaho Code, be, and the same is hereby amended to read as follows:

40-104. DEFINITIONS -- C.

(1) "City system" means all public highways within the corporate limits of a city except those which are under federal control, a part of the state highway system or a single county-wide highway district under the provisions of chapter 14, title 40, Idaho Code, or a part of the federal aid secondary route system as specified in section 40-607, Idaho Code.

(2) "Commercial activities." (See "Unzoned commercial or industrial areas," section 40-122, Idaho Code)

(3) "Commercial areas, unzoned." (See "Unzoned commercial or industrial areas," section 40-122, Idaho Code)

(4) "Commissioners" means the board of county commissioners of a county of this state.

(5) "Controlled-access facility" means a highway~~,--road-or--street~~ especially designed for through traffic to which owners or occupants of abutting land have no right or easement or only a controlled right or easement of access by reason of the fact that their property abuts upon the controlled-access facility. These highways~~,--roads-or--streets~~ may be freeways open to use by all customary forms of highway~~,--road and-street~~ traffic, or they may be parkways from which trucks, buses and other commercial vehicles shall be excluded.

(6) "County highway system" or "county secondary highways" mean all public highways in a county except those included within the state highway system, those included within city ~~street~~ highway systems of incorporated cities, and those under federal control.

SECTION 2. That Section 40-109, Idaho Code, be, and the same is hereby amended to read as follows:

40-109. DEFINITIONS -- H.

(1) "Highway district system" means all public highways within each highway district, except those included within the state highway system, those included within city highway systems of incorporated cities, and those under federal control.

(2) "Highway system, county." (See "County highway system," section 40-104, Idaho Code)

(3) "Highway system, state." (See State highway system," section 40-120, Idaho Code)

(4) "Highway users' fund bonds" mean those bonds issued for and on behalf of dissolved city ~~street~~ highway systems or highway districts, and the funds out of which those bonds are repayable shall be the moneys received or provided by section 40-707, Idaho Code.

(5) "Highways" mean roads, streets, alleys and bridges laid out or established for the public or dedicated or abandoned to the public. Highways shall include necessary culverts, sluices, drains, ditches, waterways, embankments, retaining walls, bridges, tunnels, grade separation structures, roadside improvements, adjacent lands or interests lawfully acquired, pedestrian facilities, and any other structures, works or fixtures incidental to the preservation or improvement of the highways. Roads laid out and recorded as highways, by order of a board of commissioners, and all roads used as such for a period of five (5) years, provided they shall have been worked and kept up at the expense of the public, or located and recorded by order of a board of commissioners, are highways. Whenever any corporation owning a road or a bridge is dissolved, or discontinues the road or bridge, the bridge or road becomes a highway.

SECTION 3. That Section 40-201, Idaho Code, be, and the same is hereby amended to read as follows:

40-201. STATE HIGHWAY, COUNTY ~~ROAD~~ HIGHWAY, HIGHWAY DISTRICTS AND CITY ~~STREET~~ HIGHWAY SYSTEMS ESTABLISHED. There shall be a system of state highways in the state, a system of county ~~roads~~ highways in each county, a system of highways in each highway district, and a system of ~~streets~~ highways in each city, except as otherwise provided.

SECTION 4. That Section 40-203, Idaho Code, be, and the same is hereby amended to read as follows:

40-203. ABANDONMENT OF HIGHWAYS. A ~~road~~ highway established by prescription not worked or used for a period of five (5) years ceases to be a highway for any purpose whatever. In the case of ~~roads~~ highways furnishing public access to state or federal public lands or

waters, no person may encroach upon them and restrict public use without first petitioning for the abandonment of the ~~road~~ highway to the appropriate commissioners of the county or highway district in which the ~~road~~ highway is located. Until abandonment is authorized by the commissioners having jurisdiction, public use of the ~~roadway~~ highway may not be restricted or impeded by encroachment or installation of any obstruction restricting public use or by the installation of signs or notices that might tend to restrict or prohibit public use.

SECTION 5. That Section 40-206, Idaho Code, be, and the same is hereby amended to read as follows:

40-206. PUBLICATION OF NOTICE. Whenever publication of a notice is required for a hearing or election relating to a county ~~road~~ highway system or highway district, it shall appear in a newspaper printed and published within the district or county, or in some newspaper of general circulation in the county or district, and the notice shall, if the publication is in a weekly newspaper, be published in at least three (3) consecutive issues prior to the date set for the intended action, or if published in a daily newspaper then in at least six (6) consecutive daily issues. The last notice shall be not less than eight (8) days prior to a hearing, and not less than fifteen (15) days prior to an election, except as otherwise specifically provided in this title.

SECTION 6. That Section 40-603, Idaho Code, be, and the same is hereby amended to read as follows:

40-603. COUNTY HIGHWAYS RECOMMENDED BY COMMISSIONERS -- APPROVED BY BOARD. The commissioners of each county shall recommend highways for the county ~~road~~ highway system to the board at least once a year and in a manner and form to be prescribed by the board. All recommendations shall clearly show which highways are improved highways and which are unimproved. All recommendations must be approved by the board before they shall constitute the official highway system of the county. The board may require commissioners to submit financial and operating data as it may deem necessary to assist it in determining what highways should properly be included in the respective county highway systems.

SECTION 7. That Section 40-604, Idaho Code, be, and the same is hereby amended to read as follows:

40-604. DUTIES AND POWERS OF COMMISSIONERS. Commissioners shall:

(1) Exercise general supervision over all highways in the county ~~road~~ highway system, including their location, design, construction, reconstruction, repair and maintenance, and develop general policies regarding highway matters. The policies established shall be carried out by a county director of highways.

(2) Cause to be surveyed, viewed, laid out, recorded, opened and worked, any highways as are necessary for public convenience.

(3) Cause to be recorded as highways those that have become such

by use or abandonment.

(4) Have authority to abandon any highway and remove it from the county highway system when that action is determined to be in the public interest.

(5) Designate county highways, or parts of them, as controlled-access highways and regulate, restrict or prohibit access to those highways so as best to serve the traffic for which the facility is intended.

(6) Have authority to make agreements with any incorporated city, other county, a highway district, the state, or the United States, its agencies, departments, bureaus, boards, or any government owned corporation for the construction, reconstruction, or maintenance of the county's highway system by those entities or for the construction, reconstruction, or maintenance of the highway systems of those entities by the county's highway organization. The county shall compensate or be compensated for the fair cost of the work except as otherwise specifically provided in this title.

(7) Let out by contract the improvement of highways, the construction and repair of bridges or other adjuncts to highways, when the amount of work to be done by contract exceeds five hundred dollars ($500). At least twenty-five per cent (25%) of the fund collected in any highway division must be expended within the division in which the fund was collected.

(8) Contract, purchase, or otherwise acquire the right-of-way over private property for the use of county highways and for this purpose may institute proceedings under the code of civil procedure.

(9) Levy an ad valorem tax to be paid into the county highway fund and cause the tax collected each year to be paid into that fund and kept by the treasurer as a separate fund. When all of the territory of a county is included in one or more highway districts the commissioners shall not make any levy for general highway purposes.

(10) Audit and draw warrants on the county highway fund required for payment for rights-of-way improvement.

(11) Rename any highway within the county, excepting those situated within the territorial limits of incorporated cities, when the renaming will eradicate confusion.

(12) Cause guide posts properly inscribed to be erected and maintained on designated highways.

(13) Exercise other powers as may be prescribed by law.

SECTION 8. That Section 40-607, Idaho Code, be, and the same is hereby amended to read as follows:

40-607. COUNTY HIGHWAY SYSTEM CONSTRUCTION, MAINTENANCE AND RIGHT-OF-WAY COSTS BORNE BY COUNTY -- EXCEPTIONS. The costs of constructing, reconstructing, maintaining and acquiring rights-of-way for highways in a county highway system shall be borne by the county. This section shall not be construed as preventing counties from contracting with the state for engineering or other services provided just compensation is paid. ~~A county may participate to the extent necessary in the costs of constructing or reconstructing or acquiring rights-of-way to any urban extensions to county highways built with federal assis-~~

~~tance through cities, but urban extensions shall be and continue to be a part of the city system for all other purposes of this title.~~ If planning studies show the existence of a need, a county may purchase, condemn or otherwise acquire a right-of-way for a new alignment of an ~~urban~~ federal aid secondary route extension of an existing county highway built with federal assistance through cities if the ~~urban~~ extension does not eliminate access to adjacent property owners. A county shall have the authority to construct, maintain and control an ~~urban~~ federal aid secondary route extension within a city and may enter into any mutual agreement for the transfer of maintenance and control of the ~~urban~~ extension to the city. A county may contract with an adjoining county for the construction and/or maintenance of any part of its highway system.

SECTION 9. That Section 40-1310, Idaho Code, be, and the same is hereby amended to read as follows:

40-1310. POWERS AND DUTIES OF HIGHWAY DISTRICT COMMISSIONERS. (1) The commissioners of a highway district have, except as provided in section 40-1323, Idaho Code, exclusive general supervision and jurisdiction over all highways ~~and bridges~~ within their district, with full power to construct, maintain, repair and improve all highways ~~and bridges~~ within the highway district, whether directly by their own agents and employees or by contract. Except as otherwise provided in this chapter in respect to the highways within the district, a highway district shall have all of the powers and duties that would by law be vested in the commissioners of the county and in the district directors of highways if the highway district had not been organized. Where any highway within the limits of the highway district has been designated as a state highway, then the board shall have exclusive supervision, jurisdiction and control over the designation, location, maintenance, repair and reconstruction of it. The highway district shall have power to manage and conduct the business and affairs of the district; establish and post speed and other regulatory signs; make and execute all necessary contracts; have an office and employ and appoint agents, attorneys, officers and employees as may be required, and prescribe their duties and fix their compensation. Highway district commissioners and their agents and employees have the right to enter upon any lands to make a survey, and may locate the necessary works on the line of any highways on any land which may be deemed best for the location.

(2) The highway district shall also have the right to acquire either by purchase, or other legal means, all lands and other property necessary for the construction, use, maintenance, repair and improvement of highways ~~and bridges~~. The highway district may change the width or location, or straighten lines of any highway in the district, and if in the constructing, laying out, widening, changing, or straightening of any highways, it shall become necessary to take private property, the district director of highways, with the consent and on order of the highway district commissioners, shall cause a survey of the proposed ~~road~~ highway to be made, together with an accurate description of the lands required. He shall endeavor to agree

with each owner of property, resident of the county in which the district is situated, for the purchase of a right-of-way over the lands included within the description. If the director is able to agree with the owner of the lands, the highway district commissioners may purchase the land and pay for it out of the funds of the highway district, and the lands purchased shall then be conveyed to the highway district for the use and purpose of highways.

(3) Whenever the director of highways shall be unable to agree with any person for the purchase of land, or that person shall be unknown or a nonresident of the county in which the highway district is situated, or a minor, or an insane or incompetent person, the director shall have the right, subject to the order of the highway district commissioners, to begin action in the name of the highway district in the district court of the county in which the district is situated, to condemn the land necessary for the right-of-way for the highway, under the provisions of chapter 7, title 7, Idaho Code. An order of the highway district commissioners entered upon its minutes that the land sought to be condemned is necessary for a public highway and public use shall be prima facie evidence of the fact.

(4) The highway district has the power to contract for and pay out any special rewards and bounties as may appear expedient or useful in securing proper highway construction and maintenance, and to accept, on behalf of the district, aid or contributions in the construction or maintenance of any highway; to construct or repair, with the consent of the corporate authorities of any city within the district, any highway within a city, upon the division of the cost as may be agreed upon; or to join with the state or any body politic or political subdivision, or with any person in the construction or repair of any highway and to contract for an equitable division of the cost; and all counties, cities, highway districts and other bodies politic and political subdivisions are authorized to contract with any highway district acting through its highway district commissioners in exercise of the powers granted.

(5) The highway district has the power to receive ~~road~~ highway petitions and lay out, alter, create and abandon public highways within their respective districts, subject to appeal to the district court of the judicial district in which the highway district is situated, in the same manner in which appeals are taken from the county commissioners to the district court.

(6) Where highways furnish public access to federal or state public lands or waters, before they may be abandoned the highway district must first be in receipt of a petition for abandonment, and no abandonment shall be made without conducting a public hearing. At the hearing any person may appear and show cause for or against abandonment. If it appears at the hearing that the highway does serve a public use, the highway may not be abandoned without first providing other suitable public access to the public lands or waters at the expense of the party petitioning for abandonment of the highway.

(7) The highway district is empowered to take conveyance or other assurances, in the name of the highway district, for all property acquired by it under the provisions of this chapter for the purposes of this title. The highway district may institute and maintain any and

all actions and proceedings, suits at law and in equity, necessary or proper in order to carry out the provisions of this chapter, or to enforce, maintain, protect or preserve any and all rights, privileges and immunities provided by this chapter. In all courts, actions, suits or proceedings, the highway district may sue, appear and defend, in person or by attorneys, and in the name of the highway district.

(8) The highway district is empowered to hold, use, acquire, manage, occupy and possess property. The highway district may create highway divisions, which must be carefully and distinctly defined and described. Highway divisions may be altered, changed, created or modified by the highway district commissioners, as the need requires.

SECTION 10. That Section 40-1311, Idaho Code, be, and the same is hereby amended to read as follows:

40-1311. JURISDICTION OF HIGHWAY DISTRICT COMMISSIONERS. In respect to all highways included within a district, the power and jurisdiction of the highway district shall be inclusive, except as provided in section 40-1323, Idaho Code. If any main highway connecting different parts of the county or connecting with territory outside of the state pass through the highway district, then the highway district commissioners shall keep the ~~road~~ highway in proper repair, and if they fail to do so, the commissioners may at any time, by giving ten (10) days' written notice sent by registered mail to the highway district commissioners, require that the highway running through the district, or connecting the district with other territory, be repaired or put in proper condition, which condition shall be specified in the notice by the commissioners. If the highway districts do not diligently pursue the work with a reasonable and sufficient effort within ten (10) days, the commissioners of any county in which the highway district lies, may enter upon the main highway and repair and put it in the condition required. The commissioners in doing the work shall keep strict and accurate account of the expenses incurred, and when the work is completed the amount shall be certified to the county treasurer who shall charge the same against the highway district and deduct the sum from any funds coming into his hands belonging to the highway district and reimburse the county.

Approved April 3, 1986.

CHAPTER 329
(H.B. No. 632)

AN ACT

RELATING TO CONTROLLED HUNT PERMITS FOR LANDOWNERS; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME COMMISSION MAY AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME TO ISSUE ADDITIONAL CONTROLLED HUNT PERMITS AUTHORIZING OWNERS, LESSEES IN CONTROL OF LAND, OR MEMBERS OF THEIR IMMEDIATE FAM-

ILIES, TO HUNT ON LAND OWNED OR CONTROLLED BY THOSE INDIVIDUALS IN AREAS WHERE PERMITS FOR DEER, ELK OR ANTELOPE ARE LIMITED, AND TO STRIKE REFERENCE TO SUCCESSFUL APPLICANTS.

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

SECTION 1. That Section 36-104, Idaho Code, be, and the same is hereby amended to read as follows:

36-104. GENERAL POWERS AND DUTIES OF COMMISSION. (a) Organization -- Meetings. The members of the commission shall annually meet at their offices in the city of Boise and organize by electing from their membership a chairman, who shall hold office for a period of one (1) year, or until his successor has been duly elected. In addition to the regular annual meeting, to be held in January, said commission shall hold other regular quarterly meetings in April, July and October of each year at such places within the state as the commission shall select for the transaction of business. Special meetings may be called at any time and place by the chairman or a majority of the members of the commission. Notice of the time, place and purpose of any and all special meetings shall be given by the secretary to each member of the commission prior to said meeting.

(b) Authorization for Commission Powers and Duties. For the purpose of administering the policy as declared in section 36-103, Idaho Code, the commission is hereby authorized and empowered to:

1. Investigate and find facts regarding the status of the state's wildlife populations in order to give effect to the policy of the state hereinbefore announced.

2. Hold hearings for the purpose of hearing testimony, considering evidence and determining the facts as to when the supply of any of the wildlife in this state will be injuriously affected by the taking thereof, or for the purpose of determining when an open season may be declared for the taking of wildlife. Whenever said commission determines that the supply of any particular species of wildlife is being, or will be, during any particular period of time, injuriously affected by depletion by permitting the same to be taken, or if it should find a longer or different season, or different bag limit should be adopted for the better protection thereof, or if it finds that an open season may be declared without endangering the supply thereof, then it shall make an order embodying its findings in respect to when, under what circumstances, in which localities, by what means, what sex, and in what amounts and numbers the wildlife of this state may be taken.

3. Whenever it finds it necessary for the preservation, protection, or management of any wildlife of this state, by reason of any act of God or any other sudden or unexpected emergency, declare by written order the existence of such necessity, and the cause thereof, and prescribe and designate all affected areas or streams, and close the same to hunting, angling or trapping, or impose such restrictions and conditions upon hunting, angling or trapping as said commission shall find to be necessary.

(A) Every such emergency order shall be made in accordance with

the provisions of section 67-5202~~(2)(b)~~, Idaho Code.

(B) Any person knowingly hunting, angling or trapping in an area or stream closed by any such emergency order, and before such order has been rescinded, shall be deemed guilty of a misdemeanor.

4. At any time it shall deem necessary for the proper management of wildlife on any game preserve in the state of Idaho, declare an open season in any game preserve as it deems appropriate.

5. Upon notice to the public, hold a public drawing giving to license holders, under the wildlife laws of this state, the privilege of drawing by lot for a controlled hunt permit authorizing the person to whom issued to hunt, kill, or attempt to kill any species of wild animals or birds designated by the commission under such rules and regulations as it shall prescribe. The commission may, under rules and regulations as it may prescribe, authorize the director to issue additional controlled hunt permits authorizing owners, lessees in control of land, or members of their immediate families, to hunt on land owned or controlled by those individuals in areas where permits for deer, elk, or antelope are limited. There shall be no fee charged to any individual for submitting an application to participate in a controlled hunt; provided, however, a permit fee of not to exceed three dollars ($3.00) for deer, ten dollars ($10.00) for moose, sheep and goat and five dollars ($5.00) for elk, antelope and such other species as may be determined in the future, shall be charged ~~to successful applicants~~ for the privilege of participating in a controlled hunt. All procedures under this section shall be under the control and in the discretion of the director of the department of fish and game. It is a misdemeanor for any person to transfer any such permit to any other person, or for any person to make use of such permit issued to any other person.

6. Adopt rules and regulations pertaining to the importation, exportation, release, sale, possession or transportation into, within or from the state of Idaho of any species of live, native or exotic wildlife or any eggs thereof.

7. Acquire for and on behalf of the state of Idaho, by purchase, condemnation, lease, agreement, gift, or other device, lands or waters suitable for the purposes hereinafter enumerated, and develop, operate, and maintain the same for said purposes, which are hereby declared a public use:

(A) For fish hatcheries, nursery ponds, or game animal or game bird farms;

(B) For game, bird, fish or fur-bearing animal restoration, propagation or protection;

(C) For public hunting, fishing or trapping areas to provide places where the public may fish, hunt, or trap in accordance with the provisions of law; or the regulation of the commission;

(D) To extend and consolidate by exchange, lands or waters suitable for the above purposes.

8. Enter into cooperative agreements with educational institutions, and state, federal, or other agencies to promote wildlife

research and to train students for wildlife management.

9. Enter into cooperative agreements with state and federal agencies, municipalities, corporations, organized groups of landowners, associations, and individuals for the development of wildlife rearing, propagating, management, protection and demonstration projects.

10. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

(c) Limitation on Powers. Nothing in this title shall be construed to authorize the commission to change any penalty prescribed by law for a violation of its provisions, or to change the amount of license fees or the authority conferred by licenses prescribed by law.

(d) Organization of Work. The commission shall organize the department, in accordance with the provisions of title 67, Idaho Code, into administrative units as may be necessary to efficiently administer said department. All employees of the department except the director shall be selected and appointed by the director in conformance with the provisions of chapter 53, title 67, Idaho Code.

Approved April 3, 1986.

CHAPTER 330
(H.B. No. 631)

AN ACT

RELATING TO LOG SCALING; AMENDING SECTION 38-1203, IDAHO CODE, TO STRIKE REFERENCES TO STATE FORESTRY AND TO INSERT IN LIEU THEREOF FOREST INDUSTRY, TO STRIKE REFERENCES TO ONE MEMBER EACH APPOINTED FROM THE NORTH IDAHO FORESTRY ASSOCIATION AND THE SOUTH IDAHO FORESTRY ASSOCIATION, AND TO PROVIDE FOR TWO BOARD MEMBERS TO BE APPOINTED FROM THE IDAHO FOREST INDUSTRY COUNCIL AND THE ASSOCIATED LOGGING CONTRACTORS OF IDAHO, EACH ASSOCIATION TO HAVE ONE FROM NORTH OF THE SALMON RIVER AND ONE FROM SOUTH OF THE SALMON RIVER, AND TO STRIKE REFERENCES CONCERNING THE INITIAL APPOINTMENT AND TERMS OF OFFICE FOR THE FIRST BOARD; AMENDING SECTION 38-1205, IDAHO CODE, TO STRIKE REFERENCES TO THE COMPENSATION OF THE MEMBER REPRESENTING THE FISH AND GAME COMMISSION; AMENDING SECTION 38-1213, IDAHO CODE, TO STRIKE REFERENCES TO A TEN DOLLAR REFUND TO AN APPLICANT; AMENDING SECTION 38-1214, IDAHO CODE, TO STRIKE REFERENCE TO SIX MONTHS AND TO PROVIDE FOR THIRTY DAYS BEFORE ADMITTANCE TO RE-EXAMINATION; AMENDING SECTION 38-1217, IDAHO CODE, TO STRIKE REFERENCE TO THE MONTH OF MARCH AND TO INSERT IN LIEU THEREOF THE MONTH OF JUNE, AND TO STRIKE CERTAIN REFERENCES TO REQUIREMENTS OF RENEWAL, AND TO CLARIFY THE RENEWAL PROCESS AND FEES.

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

SECTION 1. That Section 38-1203, Idaho Code, be, and the same is hereby amended to read as follows:

38-1203. STATE BOARD OF SCALING PRACTICES -- MEMBERS -- TERMS. A board to be known as the "state board of scaling practices" is hereby created in the department of lands. It shall consist of the director of the department of lands and four (4) members appointed by the governor from among nominees recommended by the organized and generally recognized ~~state-forestry~~ forest industry associations provided not less than ~~one-(1)~~ two (2) board members be appointed from the ~~North--Idaho--Forestry--Association,-one-(1)-from-the-South-Idaho-Forestry-Association,~~ Idaho forest industry council, and not less than two (2) board members ~~to~~ be appointed from the ~~A~~associated ~~L~~logging ~~C~~contractors of Idaho, ~~I~~inc., each association to have one (1) member from ~~the--northern--part~~ north of the ~~state~~ Salmon river and one (1) member from ~~the-southern-part~~ south of the ~~state~~ Salmon river. The members of the board shall have the qualifications required by section 38-1204, Idaho Code. ~~The-members-of-the-first-board-shall-be-appointed within--thirty--(30)-days-after-the-approval-of-this-act,-to-serve-the following-terms:-one-(1)-member-for-a-one-year-term,-two--(2)--members for--a--two-year--term,--and-one-(1)-member-for-a-three-year-term.-All subsequent-terms-shall-be-for-a-three-year-term.~~ The members of the board shall be appointed for a three (3) year term. Each member of the board shall take, subscribe and file the oath required by sections 59-401--59-408, Idaho Code, before entering upon the duties of his office. On the expiration of the term of any member his successor shall be appointed in like manner by the governor for a term of three (3) years and unexpired terms shall be filled for the unexpired balance of the term.

SECTION 2. That Section 38-1205, Idaho Code, be, and the same is hereby amended to read as follows:

38-1205. COMPENSATION. Each member of the board shall be compensated as provided in section 59-509(g), Idaho Code~~,-except-the--member representing-the-fish-and-game-commission,-who-shall-be-compensated-as provided--in--section--36-102,--Idaho-Code,-which-shall-be-paid-by-the fish-and-game-commission.~~

SECTION 3. That Section 38-1213, Idaho Code, be, and the same is hereby amended to read as follows:

38-1213. APPLICATION FORMS -- FEE. Applications for registration shall be on forms prescribed and furnished by the board. The application shall be made under oath, and shall show the applicant's education, experience and a detailed summary of his technical work; and the applicant shall furnish not less than three (3) references.

The registration fee for professional scalers shall be twenty-five dollars ($25.00) which shall accompany the application for examination.

~~Should-the-board-deny-the-issuance-of-a-certificate--of--registration--to--any-applicant,-fifteen-dollars-($15.00)-shall-be-retained-by~~

~~the board for costs of examination and ten dollars ($10.00) shall be refunded to the applicant.~~

SECTION 4. That Section 38-1214, Idaho Code, be, and the same is hereby amended to read as follows:

38-1214. EXAMINATIONS -- CERTIFICATE OF REGISTRATION. Examinations shall be held at such times and places as the board shall determine. Examinations shall be required on fundamental scaling subjects.

The scope of the examination shall be prescribed by the board with special emphasis to the applicant's ability to perform scaling. A candidate failing his first examination may apply for re-examination at any regular examination time without filing a new application and shall be entitled to such re-examination on payment of an additional fee of twenty-five dollars ($25.00). A candidate who fails on re-examination must file a new application before he can again be admitted to examination, and such new application shall not be filed prior to ~~six (6) months~~ thirty (30) days following the date of the last examination taken by the applicant.

The board shall issue a certificate of registration upon payment of registration fee as provided for in this act, to any applicant who, in the opinion of the board, has satisfactorily met all of the requirements of this act. Certificates of registration shall show the full name of the registrant, shall give a serial number, and shall be signed by the chairman and the secretary of the board under seal of the board.

The issuance of a certificate of registration by the board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional log scaler and is licensed to scale under the act.

SECTION 5. That Section 38-1217, Idaho Code, be, and the same is hereby amended to read as follows:

38-1217. EXPIRATION OF CERTIFICATE OF REGISTRATION -- RENEWAL -- FEES. Certificates of registration shall expire two (2) years from the last day of ~~March~~ June following their issuance or renewal and shall become invalid on that date unless renewed. ~~An examination shall be taken before the renewal which may be effected at any time during the month of March by the payment of a renewal fee to be fixed by the board at twenty five dollars ($25.00).~~

~~Failure to renew within the time period heretofore provided will result in a reinstatement fee of twenty five dollars ($25.00) and failure of renewal for a period of two (2) years will require the applicant to take the examination and pay the required examination fee~~ As a condition of renewal, a person shall be required to pass an examination as established by the board and pay a renewal fee of twenty-five dollars ($25.00).

Approved April 3, 1986.

CHAPTER 331
(H.B. No. 598, As Amended)

AN ACT

RELATING TO PEER REVIEW COMMITTEES; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-934, IDAHO CODE, TO PROVIDE FOR IMMUNITY FROM LIABILITY AND CONFIDENTIALITY OF RECORDS FOR PEER REVIEW COMMITTEES CREATED BY THE STATE BOARD OF DENTISTRY AND THE IDAHO STATE DENTAL ASSOCIATION.

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

SECTION 1. That Chapter 9, 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 54-934, Idaho Code, and to read as follows:

54-934. PEER REVIEW COMMITTEES -- IMMUNITY FROM LIABILITY -- CONFIDENTIALITY OF RECORDS. (1) The state board of dentistry and the Idaho state dental association may establish one or more peer review committees pursuant to this section, for the purpose of:

(a) Determining the relevancy of a dentist's usual and reasonable fees or treatment procedure to the terms of a contract;

(b) Assessing the quality of services rendered; or

(c) Evaluating claims against dentists or engaging in underwriting decisions in connection with professional liability insurance coverage for dentists.

(2) The board or the associations, any one (1) of which has established a peer review committee pursuant to law, any committee member or any staff member of either the board or of the associations assisting a peer review committee, and any witness or consultant appearing before or presenting information to a peer review committee shall be immune from liability in any civil action brought as a result of a peer review investigation or proceeding conducted by a peer review committee, if the board, association, committee or staff member, witness or consultant, acts in good faith within the scope of the function of the committee, has made a reasonable effort to obtain the facts of the matter as to which the board or association or he acts, in the reasonable belief that the action taken is warranted by the facts.

(3) Any entity, organization or person acting without malice in making any report or other information available to a peer review committee, or who assists in the origination, investigation or preparation of that information, or assists a committee in carrying out any of its duties or functions, shall be immune from civil liability for any such actions.

(4) Any communications or information relating to peer committee investigations or proceedings as provided by law, and the proceedings and records of the committee related to them, shall be held in confidence and shall not be subject to discovery or introduced into evidence in any civil action against a dentist arising out of matters

which are the subject of evaluation and review by the committee. No person who was in attendance at a meeting of the committee shall be permitted or required to testify in any civil action as to any evidence or other matters produced or presented during that meeting of the committee, or as to any findings, recommendations, evaluations, opinions, or other actions of the committee or any members or consultants to the committee. However, information, documents or records otherwise available from original sources are not to be construed as immune from discovery or use in any civil action merely because they were presented during proceedings of the committee, and any documents or records which have been presented to the committee by any witness shall be returned to the witness, if requested by him, with copies of them to be retained by the committee, at its discretion. Any person who testifies before the committee cannot be asked about his testimony before that committee or opinions formed by him as a result of those hearings.

Approved April 3, 1986.

CHAPTER 332
(H.B. No. 595, As Amended)

AN ACT

RELATING TO THE PUBLICATION OF NOTICES; AMENDING SECTION 60-113, IDAHO CODE, TO PROVIDE THAT ANY PUBLISHED NOTICE THAT AFFECTS OR MAY AFFECT AN INTEREST IN REAL PROPERTY MUST CONTAIN A STREET ADDRESS OR OTHER INFORMATION USEFUL IN LOCATING THE PROPERTY, OR THE NAME AND PHONE NUMBER OF A PERSON WHO CAN PROVIDE INFORMATION ON THE PROPERTY AND TO PROVIDE THAT THE ADEQUACY OF INFORMATION NOT ESSENTIAL TO A PROPER LEGAL DESCRIPTION SHALL NOT GIVE RISE TO A JURISDICTIONAL DEFECT IN A PROCEEDING OR ACTION CONTEMPLATED BY THE PUBLISHED NOTICE.

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

SECTION 1. That Section 60-113, Idaho Code, be, and the same is hereby amended to read as follows:

60-113. NOTICES AFFECTING INTERESTS IN REAL PROPERTY. Any published notice that affects or may affect any interest in real property must, in addition to the legal description, ~~describe that real property in more particularity than the legal description of the property, if in fact such property has any more particular description. A street address or a designation commonly used and accepted in the community shall satisfy the requirements of this section~~ contain either (a) a street address or other information which would be of assistance to the public in ascertaining the location of the property; or (b) the name and telephone number of a person, firm or business office from whom information concerning the location of the property may be obtained; provided, however, that the adequacy of the information not

essential to a proper legal description shall not give rise to a jurisdictional defect in a proceeding or action contemplated by the published notice.

Approved April 3, 1986.

CHAPTER 333
(H.B. No. 503, As Amended in the Senate)

AN ACT
RELATING TO FINES AND FORFEITURES; AMENDING SECTION 19-4705, IDAHO CODE, TO PROVIDE FOR DISPOSITION OF CERTAIN FINES WHEN THE ARREST IS MADE BY A LAW ENFORCEMENT OFFICIAL OF ANY GOVERNMENTAL AGENCY UNDER CONTRACT, AND PROVIDING DEFINITIONS.

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

SECTION 1. That Section 19-4705, Idaho Code, be, and the same is hereby amended to read as follows:

19-4705. PAYMENT OF FINES AND FORFEITURES -- SATISFACTION OF JUDGMENT -- DISPOSITION -- APPORTIONMENT. (a) All fines and forfeitures collected pursuant to the judgment of any court of the state shall be remitted to the court in which the judgment was rendered. The 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 sixty-seven and one-half per cent (67 1/2%) to the public school income fund.

(c) Fines and forfeitures remitted for violation of state motor vehicle laws, for violation of state driving privilege laws, and for violation of state laws prohibiting driving while under the influence of alcohol, drugs or any other intoxicating substances, 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 highway distribution 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 state treasurer for deposit in the public school income fund; provided, however, that fines and forfeitures remitted for violation of state motor vehicle

laws, for violation of state driving privilege laws, and for violation of state laws prohibiting driving while under the influence of alcohol, drugs or any other intoxicating substances, where an arrest is made or a citation is issued by a city law enforcement official, or by a law enforcement official of a governmental agency under contract to provide law enforcement services for a city, 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 laws, or motor vehicle laws, or state driving privilege laws, or state laws prohibiting driving while under the influence of alcohol, drugs or any other intoxicating substances, 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 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 district court fund of the county whose ordinance was violated.

(f) Fines and forfeitures remitted for violation of city ordinances shall be apportioned ten per cent (10%) to the state treasurer for deposit in the state general 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 or city law enforcement official 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~~ law enforcement official issued the citation.

(i) As used in this section, the term "city law enforcement official" shall include an official of any governmental agency which is providing law enforcement services to a city in accordance with the terms of a contract or agreement, when such official makes the arrest or issues a citation within the geographical limits of the city and when the contract or agreement provides for payment to the city of fines and forfeitures resulting from such service.

Approved April 3, 1986.

CHAPTER 334
(S.B. No. 1456)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE PERMANENT BUILDING ACCOUNT; APPROPRIATING MONEYS FROM THE PERMANENT BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSES SPECIFIED; EXPRESSING LEGISLATIVE INTENT CONCERNING THE USE OF MONEYS APPROPRIATED BY THIS ACT; EXEMPTING THE APPROPRIATIONS FROM THE PROVISIONS OF CHAPTER 36, TITLE 67, IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 67-3516, IDAHO CODE; AUTHORIZING THE USE OF TAX ANTICIPATION NOTES; AND DECLARING AN EMERGENCY.

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

~~SECTION 1. There is hereby appropriated from the General Account to the Permanent Building Account $6,564,000.~~

SECTION 2. There is hereby appropriated from the Permanent Building Account to the Permanent Building Fund Advisory Council and the Division of Public Works the following amounts, 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:	
Office of the Governor:	
Commission for the Blind	$19,000
Military Division	86,000
Department of Correction	2,019,000
State Board of Education	1,404,000
Department of Health and Welfare	1,382,000
Department of Parks and Recreation	123,000
Department of Lands	26,000
Department of Administration:	
Asbestos abatement	100,000
Contingency	200,000
SUBTOTAL	$5,359,000
B. DEPARTMENT OF CORRECTION:	
Maximum Security Penitentiary, Phase One	$8,000,000
C. DEPARTMENT OF HEALTH AND WELFARE:	
State Hospital South, Psychiatric Unit	$3,200,000
D. STATE BOARD OF EDUCATION:	
School for the Deaf and the Blind:	
Begin Bond Payoff	$3,000,000

Boise State University:	
Miscellaneous Maintenance Projects	$1,025,000
Boise State University:	
Handicap Accessibility	$132,000
Idaho State University:	
Industrial-Vocational Arts Renovation	$370,000
Idaho State University:	
Liberal Arts Building Renovation	$1,800,000
Idaho State University:	
Handicap Accessibility	$280,000
University of Idaho:	
Library Basement Remodel	$1,686,000
University of Idaho:	
Handicap Accessibility	$687,000
Lewis-Clark State College:	
Handicap Accessibility	$525,000
Eastern Idaho Vocational-Technical School:	
Multi-Purpose Complex	$800,000
GRAND TOTAL	$26,864,000

SECTION 3. It is the express intention that the moneys appropriated by this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 4. 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 5. 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 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.

* Line Item Vetoed.
Approved April 4, 1986.

CHAPTER 335
(S.B. No. 1492)

AN ACT

AMENDING SECTIONS 1 AND 2, SENATE BILL NO. 1456, SECOND REGULAR SESSION, FORTY-EIGHTH IDAHO LEGISLATURE TO CHANGE THE PERMANENT BUILDING ACCOUNT APPROPRIATION; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO EXPENDITURES FROM STATE SOURCES FOR PUBLIC SCHOOL SUPPORT FOR FISCAL YEAR 1987; APPROPRIATING MONEYS FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE ACQUISITION OF BOOKS, SUPPLIES, AND INSTRUCTIONAL MATERIALS AND EQUIPMENT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE ACQUISITION OF BOOKS, SUPPLIES AND INSTRUCTIONAL MATERIALS AND EQUIPMENT; APPROPRIATING MONEYS FOR DEPOSIT IN THE PUBLIC EMPLOYEE RETIREMENT ACCOUNT; APPROPRIATING MONEYS FOR THE UNEMPLOYMENT INSURANCE PROGRAM; APPROPRIATING MONEYS FOR DEPOSIT IN THE SOCIAL SECURITY TRUST ACCOUNT; APPROPRIATING ACCRUING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE BOARD OF EDUCATION TO BE EXPENDED PURSUANT TO LAW; AND APPROPRIATING AN AMOUNT FROM THE GENERAL ACCOUNT FOR TRANSFER TO THE PUBLIC SCHOOL INCOME FUND.

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

~~SECTION 1. That Section 1, Senate Bill No. 1456, Second Regular Session, Forty-eighth Idaho Legislature, be, and the same is hereby amended to read as follows:~~

~~SECTION 1. There is hereby appropriated from the General Account to the Permanent Building Account $6,564,000~~5,064,000.

SECTION 2. That Section 2, Senate Bill No. 1456, Second Regular Session, Forty-eighth Idaho Legislature, be, and the same is hereby amended to read as follows:

SECTION 2. There is hereby appropriated from the Permanent Building Account to the Permanent Building Fund Advisory Council and the Division of Public Works the following amounts, 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:

Office of the Governor:

Commission for the Blind	$19,000
Military Division	86,000

Department of Correction	2,019,000
State Board of Education	1,404,000
Department of Health and Welfare	1,382,000
Department of Parks and Recreation	123,000
Department of Lands	26,000
Department of Administration:	
Asbestos abatement	100,000
Contingency	200,000
SUBTOTAL	$5,359,000
B. DEPARTMENT OF CORRECTION:	
Maximum Security Penitentiary, Phase One	$8,000,000
C. DEPARTMENT OF HEALTH AND WELFARE:	
State Hospital South, Psychiatric Unit	$3,200,000
D. STATE BOARD OF EDUCATION:	
School for the Deaf and the Blind:	
Begin Bond Payoff	~~$3,000,000~~1,500,000
Boise State University:	
Miscellaneous Maintenance Projects	$1,025,000
Boise State University:	
Handicap Accessibility	$132,000
Idaho State University:	
Industrial-Vocational Arts Renovation	$370,000
Idaho State University:	
Liberal Arts Building Renovation	$1,800,000
Idaho State University:	
Handicap Accessibility	$280,000
University of Idaho:	
Library Basement Remodel	$1,686,000
University of Idaho:	
Handicap Accessibility	$687,000
Lewis-Clark State College:	
Handicap Accessibility	$525,000
Eastern Idaho Vocational-Technical School:	
Multi-Purpose Complex	$800,000
GRAND TOTAL	~~$26,864,000~~25,364,000

SECTION 3. It is legislative intent that the following amounts shall be expended from state sources for public school support for the period July 1, 1986, through June 30, 1987:

FROM:		
General Account		$314,000,000
Dedicated Accounts:		
Endowment Fund Income	$16,135,000	
Department of Lands	2,847,000	
Liquor Account	1,200,000	
Miscellaneous Receipts	4,500,000	
SUBTOTAL	$24,682,000	24,682,000
TOTAL		$338,682,000

SECTION 4. There is hereby appropriated from the General Account for Public School Support the following amount for deposit in the Public School Income Fund for the period July 1, 1986, through June

30, 1987:
FROM:
General Account $256,851,500

SECTION 5. There is hereby appropriated to the State Board of Education the following amount from the General Account, to be expended for the designated purpose, for the period July 1, 1986, through June 30, 1987:
FOR:
Acquisition of books, supplies and instructional materials and equipment $4,000,000

SECTION 6. It is legislative intent that $4,000,000 of the General Account moneys appropriated in Section 4 of this act be expended for the acquisition of books, supplies, instructional materials and equipment.

SECTION 7. There is hereby appropriated from the General Account for Public School Support an amount not to exceed $28,800,600 for deposit in the Public Employee Retirement Account to be expended according to Section 59-1332A, Idaho Code, for the period July 1, 1986, through June 30, 1987.

SECTION 8. There is hereby appropriated from the General Account for Public School Support an amount not to exceed $504,400 for the Unemployment Insurance Program to be expended according to Section 72-1349C, Idaho Code, for the period July 1, 1986, through June 30, 1987.

SECTION 9. There is hereby appropriated from the General Account for Public School Support an amount not to exceed $23,843,500 for deposit in the Social Security Trust Account to be expended according to Section 59-1115, Idaho Code, for the period July 1, 1986, through June 30, 1987.

SECTION 10. 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, 1986, through June 30, 1987.

SECTION 11. There is hereby appropriated out of the General Account an amount which shall be transferred by not later than September 1, 1986, 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 1986, 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 Section 33-1009 4., Idaho Code.

* Line Item Vetoed.
Approved April 4, 1986.

CHAPTER 336
(H.B. No. 590, As Amended)

AN ACT

RELATING TO TAXABLE INCOME FOR INCOME TAX PURPOSES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3022G, IDAHO CODE, TO PROVIDE A DEDUCTION FROM TAXABLE INCOME FOR INTEREST EARNED ON CERTAIN OPERATING LOANS FOR AGRICULTURAL PURPOSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3022G, Idaho Code, and to read as follows:

63-3022G. DEDUCTION OF INTEREST ON OPERATING LOANS FOR AGRICULTURAL PURPOSES. For taxable years commencing after January 1, 1986, and prior to January 1, 1989, any taxpayer may deduct from taxable income the interest received or earned on the first three hundred thousand dollars ($300,000) of principal of commercial operating loans made or existing after March 1, 1986, to an Idaho domiciled farm, ranch or agricultural business which grows, produces or raises plant commodities or animal livestock.

For purposes of this section, an operating loan means a loan to fund current maintenance and operation activities which does not extend for a repayment period of more than fifteen (15) calendar months.

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.

Law Without Signature.

CHAPTER 337
(S.B. No. 1368)

AN ACT

RELATING TO COMPENSATION FOR VICTIMS OF CRIME; AMENDING TITLE 72, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 72, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A STATEMENT OF LEGISLATIVE PURPOSE AND INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE POWERS AND DUTIES OF THE INDUSTRIAL COMMISSION, TO PROVIDE FOR REHABILITATION OF VICTIMS, TO PROVIDE FOR ATTORNEYS' FEES, TO PROVIDE FOR THE PUBLIC NATURE OF RECORDS, TO PROVIDE FOR A LIMITATION OF BENEFIT ENTITLEMENTS, TO CREATE THE CRIME VICTIMS COMPENSATION ACCOUNT, TO PROVIDE FOR RECEIPT OF FEDERAL AND OTHER FUNDS, TO

PROVIDE A PENALTY FOR FRAUDULENTLY OBTAINING BENEFITS, TO PROVIDE FOR AN APPLICATION FOR COMPENSATION, TO PROVIDE FOR INFORMAL HEARINGS, TO PROVIDE FOR EVIDENCE OF AN INJURED CONDITION, TO PROVIDE FOR ENFORCEMENT OF THE COMMISSION'S ORDERS, TO PROVIDE LIMITATIONS ON THE AMOUNT OF AN AWARD, TO PROVIDE FOR A TENTATIVE AWARD, TO PROVIDE FOR PROCEDURES FOR THE AWARD OF COMPENSATION, TO PROVIDE FOR THE PAYMENT OF COMPENSATION BENEFITS, TO PROVIDE THAT AWARDS ARE NOT SUBJECT TO EXECUTION, ATTACHMENT, GARNISHMENT OR ASSIGNMENT, TO PROVIDE FOR RECONSIDERATION AND REVIEW OF COMMISSION DECISIONS, TO PROVIDE THAT DETERMINATIONS OF THE INDUSTRIAL COMMISSION ARE NOT SUBJECT TO APPEAL, TO PROVIDE FOR SUBROGATION, TO PROVIDE FOR THE EFFECT OF AN AWARD ON PROBATION AND PAROLE OF AN OFFENDER, AND TO IMPOSE A FINE FOR PAYMENT INTO THE CRIME VICTIMS COMPENSATION ACCOUNT; AND APPROPRIATING MONEYS FROM THE CRIME VICTIMS COMPENSATION ACCOUNT TO THE INDUSTRIAL COMMISSION.

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

SECTION 1. That Title 72, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 10, Title 72, Idaho Code, and to read as follows:

CHAPTER 10
CRIME VICTIMS COMPENSATION

72-1001. SHORT TITLE. This chapter may be cited as "The Crime Victims Compensation Act."

72-1002. LEGISLATIVE PURPOSE AND INTENT. The legislature hereby finds, determines and declares that victims of violent crime are often reduced to bereft and destitute circumstances as a result of the criminal acts perpetrated against them, that the financial or economic resources of such victims and their dependents are in many instances distressed or depleted as a result of injuries inflicted upon them by violent criminals.

That the general social and economic welfare of such victims and their dependents is and ought to be intimately affected with the public interest, that the deplorable plight of these unfortunate citizens should not go unnoticed by our institutions and agencies of government.

The legislature hereby further finds, determines and declares that it is to the benefit of all that victims of violence and their dependents be assisted financially and socially whenever possible.

It is the intent of the legislature of this state to provide a method of compensating and assisting those persons within the state who are innocent victims of criminal acts and who suffer injury or death. To this end, it is the legislature's intention to provide compensation for injuries suffered as a direct result of the criminal acts of other persons.

72-1003. DEFINITIONS. As used in this chapter:

(1) "Claimant" means any of the following claiming compensation under this chapter:

(a) A victim;

(b) A dependent of a deceased victim; or

(c) An authorized person acting on behalf of any of them, including parent(s), legal guardian(s), and sibling(s), of a victim who is a minor.

(2) "Collateral source" means a source of benefits, other than welfare benefits, or advantages for economic loss otherwise compensable under this chapter which the claimant has received or which is readily available to him from:

(a) The offender;

(b) The government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two (2) or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under this chapter;

(c) Social security, medicare, and medicaid;

(d) Workers' compensation;

(e) Wage continuation programs of any employer;

(f) Proceeds of a contract of insurance payable to the claimant for loss which was sustained because of the criminally injurious conduct; or

(g) A contract, including an insurance contract, providing hospital and other health care services or benefits for disability. Any such contract in this state may not provide that benefits under this chapter shall be a substitute for benefits under the contract or that the contract is a secondary source of benefits and benefits under this chapter are a primary source.

(3) "Commission" means the industrial commission.

(4) "Criminally injurious conduct" means intentional, knowing, or reckless conduct that:

(a) Occurs or is attempted in this state;

(b) Results in injury or death; or

(c) Is punishable by fine, imprisonment, or death or would be so punishable but for the fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(5) "Dependent" means a natural person who is recognized under the law of this state to be wholly or partially dependent upon the victim for care or support and includes a child of the victim conceived before the victim's death but born after the victim's death, including a child that is conceived as a result of the criminally injurious conduct.

(6) "Injury" means actual bodily harm or disfigurement and, with respect to a victim, includes pregnancy, venereal disease, mental or nervous shock, or extreme mental distress. For the purposes of this chapter, "extreme mental distress" means a substantial personal disorder of emotional processes, thought or cognition which impairs judgment, behavior or ability to cope with the ordinary demands of life.

(7) "Victim" means a person who suffers injury or death as a result of:

(a) Criminally injurious conduct;
(b) His good faith effort to prevent criminally injurious conduct; or
(c) His good faith effort to apprehend a person reasonably suspected of engaging in criminally injurious conduct.

72-1004. POWERS AND DUTIES OF COMMISSION. (1) The commission shall:
(a) Adopt rules to implement this chapter in compliance with chapter 52, title 67, Idaho Code;
(b) Prescribe forms for applications for compensation; and
(c) Determine all matters relating to claims for compensation.
(2) The commission may:
(a) Request and obtain from prosecuting attorneys and law enforcement officers investigations and data to enable the commission to determine whether and the extent to which a claimant qualifies for compensation. A statute providing confidentiality for a claimant's juvenile court records does not apply to proceedings under this chapter;
(b) Subpoena witnesses and other prospective evidence, administer oaths or affirmations, conduct hearings, and receive relevant, nonprivileged evidence;
(c) Take notice of judicially cognizable facts and general, technical, and scientific facts within its specialized knowledge;
(d) Require that law enforcement agencies and officials take reasonable care that victims be informed about the existence of this chapter and the procedure for applying for compensation under this chapter; and
(e) Require that any person contracting directly or indirectly with an individual formally charged with or convicted of a qualifying crime for any rendition, interview, statement, or article relating to such crime to deposit any proceeds owed to such individual under the terms of the contract into an escrow fund for the benefit of any victims of the qualifying crime or any surviving dependents of the victim, if such individual is convicted of that crime, to be held for such period of time as the commission may determine is reasonably necessary to perfect the claims of the victims or dependents. If, after all funds due the victim have been paid to the victim under this section, there remain additional funds in the escrow account, such funds shall be returned to the crime victims compensation account.

72-1005. REHABILITATION OF VICTIMS. The commission shall refer victims who have been disabled through criminally injurious conduct and who are receiving benefits under this chapter to an appropriate treatment facility or program, including mental health counseling and care. If the referral is to the division of vocational rehabilitation, the division shall provide for the vocational rehabilitation of the victims under its rehabilitation programs to the extent funds are available under such program.

72-1006. ATTORNEYS' FEES. (1) The commission may grant attor-

neys' fees to attorneys for representing claimants before the commission. Any attorney's fee granted by the commission shall be in addition to compensation awarded the claimant under this chapter.

(2) The commission may regulate the amount of the attorney's fee in any claim under this chapter when an attorney is representing a claimant.

(3) In no claim or case may attorney fees in excess of five percent (5%) of the amount paid to a claimant or on his behalf be paid directly or indirectly to a claimant's attorney.

72-1007. PUBLIC INSPECTION AND DISCLOSURE OF COMMISSION'S RECORDS. The records the commission maintains in its possession in the administration of this chapter are open to public inspection in accordance with the provisions of section 59-1009, Idaho Code.

72-1008. LIMITATION OF BENEFIT ENTITLEMENTS TO PROPORTIONATE SHARE OF AVAILABLE FUNDS. Claimants receiving benefits under this chapter are not granted an absolute entitlement to benefits. Benefits must be paid in accordance with the amount of the legislative appropriation. If the commission determines at any time that the appropriated funds for a fiscal year will not be an amount that will fully pay all claims, the commission may make appropriate proportionate reductions in benefits to all claimants. Such reductions do not entitle claimants to future retroactive reimbursements in future fiscal years unless the legislature makes appropriations for such retroactive benefits.

72-1009. CRIME VICTIMS COMPENSATION ACCOUNT. The crime victims compensation account is hereby established in the dedicated fund. Moneys shall be paid into the account as provided by law. Moneys in the account may be appropriated only for the purposes of this chapter, which shall include administrative expenses.

72-1010. RECEIPT OF FUNDS. The commission may adopt appropriate rules in order to receive federal funds under federal criminal reparation and compensation acts, or to receive grants, gifts or donations from any source.

72-1011. PENALTY FOR FRAUDULENTLY OBTAINING BENEFITS. Any person who knowingly makes a false claim or a false statement or uses any other fraudulent device in connection with any claim is guilty of theft as provided in section 18-2403, Idaho Code, and upon conviction shall, in addition to being punished as provided in chapter 24, title 18, Idaho Code, forfeit and repay any compensation paid under this chapter.

72-1012. APPLICATION FOR COMPENSATION. An applicant for an award of compensation may apply in writing in a form that conforms substantially to that prescribed by the commission.

72-1013. INFORMAL HEARINGS. The commission may hold informal hearings in order to make determinations regarding the compensability

of a claim. At such hearings, the commission may subpoena witnesses and documents as set forth in section 72-709, Idaho Code. Hearings held under this section are not considered contested case hearings under the Idaho administrative procedures act. However, the commission shall adopt rules regarding the commission's informal hearing procedures.

72-1014. EVIDENCE OF CONDITION. (1) The commission may require the claimant to supplement the application with any reasonably available medical reports relating to the injury or condition for which compensation is claimed.

(2) If the physical or mental condition of a victim or claimant is material to a claim, the commission may order the victim or claimant to submit from time to time to an examination by a physician or other licensed health professional or may order an autopsy of a deceased victim. The commission shall pay for such examination or autopsy. The order shall specify the time, place, manner, conditions, and scope of the examination or autopsy and the person by whom it is to be made and shall require the person to file with the commission a detailed written report of the examination or autopsy. The report shall set out his findings, including results of all tests made, diagnoses, prognoses, and other conclusions and reports of earlier examinations of the same conditions. On request of the person examined, the commission shall furnish him a copy of the report. If the victim is deceased, the commission, on request, shall furnish the claimant a copy of the report.

(3) There is no privilege, except privileges arising from the attorney-client relationship or counselor-client relationship, as to communications or records relevant to an issue of the physical condition of the claimant or victim in a proceeding under this chapter in which that condition is an element.

72-1015. ENFORCEMENT OF COMMISSION'S ORDERS -- IMPROPER ASSERTION OF PRIVILEGE. If a person refuses to comply with an order of the commission or asserts a privilege to withhold or suppress evidence relevant to a claim, except privileges arising from the attorney-client relationship or counselor-client relationship, the commission may make any just order, including denial of the claim.

72-1016. LIMITATIONS ON AWARDS. (1) Compensation may not be awarded unless the claim is filed with the commission within one (1) year after the day the criminally injurious conduct occurred causing the injury or death upon which the claim is based. The time for filing a claim may be extended by the commission for good cause shown.

(2) Compensation may not be awarded to a claimant who is the offender or an accomplice of the offender or to any claimant if the award would unjustly benefit the offender or accomplice.

(3) Compensation may not be awarded to the spouse of or a person living in the same household with the offender or his accomplice, or to the parent, child, brother or sister of the offender or his accomplice; but this prohibition shall not apply in situations where domestic violence or elderly abuse or abandonment is present, and the

victim is physically or legally separated from the offender when a claim is filed.

(4) Compensation may not be awarded unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the commission finds there was good cause for the failure to report within that time.

(5) In order to be entitled to benefits under this chapter, a claimant must fully cooperate with all law enforcement agencies and prosecuting attorneys in the apprehension and prosecution of the offender causing the criminally injurious conduct. The commission, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies or prosecuting attorneys, may deny or reconsider and reduce an award of compensation.

(6) Compensation otherwise payable to a claimant shall be reduced or denied to the extent the compensation benefits payable are or can be recouped from collateral sources.

(7) Persons serving a sentence of imprisonment or residing in any other public institution which provides for the maintenance of such person are not entitled to the benefits of this chapter.

(8) Compensation may be denied or reduced if the victim contributed to the infliction of death or injury with respect to which the claim is made. Any reduction in benefits under this subsection shall be in proportion to what the commission finds to be the victim's contribution to the infliction of death or injury.

72-1017. TENTATIVE AWARD OF COMPENSATION. If the commission determines that the claimant will suffer financial hardship unless a tentative award is made and it appears likely that a final award will be made, an amount may be paid to the claimant, to be deducted from the final award or repaid by and recoverable from the claimant to the extent that it exceeds the final award.

72-1018. AWARD OF COMPENSATION. (1) The commission shall award compensation benefits under this chapter, if satisfied by a preponderance of the evidence that the requirements for compensation have been met.

(2) An award may be made whether or not any person is prosecuted or convicted. Proof of conviction of a person whose acts give rise to a claim is conclusive evidence that the crime was committed unless an application for rehearing or an appeal of the conviction is pending or a rehearing or new trial has been ordered.

(3) The commission may suspend the proceedings pending disposition of a criminal prosecution that has been commenced or is imminent and may make a tentative award under section 72-1017, Idaho Code.

72-1019. COMPENSATION BENEFITS. (1) A claimant is entitled to weekly compensation benefits when the claimant has a total actual loss of wages due to injury as a result of criminally injurious conduct. During the time the claimant seeks such weekly benefits, the claimant, as a result of such injury, must have no reasonable prospect of being regularly employed in the normal labor market. The weekly benefit

amount is sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct, subject to a maximum of one hundred seventy-five dollars ($175). Weekly compensation payments shall be made at the end of each two (2) week period. No weekly compensation payments may be paid for the first week after the criminally injurious conduct occurred, but if total actual loss of wages continues for one (1) week, weekly compensation payments shall be paid from the date the wage loss began. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market.

(2) The commission may order payment of reasonable expenses actually incurred by the claimant for reasonable services by a physician or surgeon, reasonable hospital services and medicines, mental health counseling and care, and such other treatment as may be approved by the commission for the injuries suffered due to criminally injurious conduct.

(3) (a) The dependents of a victim who is killed as a result of criminally injurious conduct are entitled to receive aggregate weekly benefits amounting to sixty-six and two-thirds percent (66 2/3%) of the wages received at the time of the criminally injurious conduct causing the death, subject to a maximum of one hundred seventy-five dollars ($175) per week. Weekly compensation payments shall be made at the end of each two (2) week period.

(b) Benefits under subsection (3)(a) of this section shall be paid to the spouse for the benefit of the spouse and other dependents unless the commission determines that other payment arrangements should be made. If a spouse dies or remarries, benefits under subsection (3)(a) shall cease to be paid to the spouse but shall continue to be paid to the other dependents so long as their dependent status continues.

(4) Reasonable funeral and burial expenses of the victim, not exceeding two thousand five hundred dollars ($2,500), shall be paid if all other collateral sources have properly paid such expenses but have not covered all such expenses.

(5) Compensation payable to a victim and all of the victim's dependents in cases of the victim's death, because of injuries suffered due to an act of criminally injurious conduct may not exceed twenty-five thousand dollars ($25,000) in the aggregate.

(6) Compensation benefits are not payable for pain and suffering or property damage.

(7) (a) A person who has suffered injury as a result of criminally injurious conduct and as a result of such injury has no reasonable prospect of being regularly employed in the normal labor market, who was employable but was not employed at the time of such injury, may in the discretion of the commission be awarded weekly compensation benefits in an amount determined by the commission not to exceed one hundred fifty dollars ($150) per week. Weekly compensation payments shall continue until the claimant has a reasonable prospect of being regularly employed in the normal labor market or for a shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (2) of this section.

(b) The dependents of a victim who is killed as a result of criminally injurious conduct and who was employable but not employed at the time of death, may, in the discretion of the commission, be awarded, in an aggregate amount payable to all dependents, a sum not to exceed one hundred fifty dollars ($150) per week which shall be payable in the manner and for the period provided by subsection (3)(b) of this section or for such shorter period as determined by the commission. The claimant shall be awarded benefits as provided in subsection (4) of this section.

(c) Compensation payable to a victim or a victim's dependents under this subsection may not exceed twenty thousand dollars ($20,000), and the limitations of subsection (6) apply to compensation under this subsection (7).

(8) Amounts payable as weekly compensation may not be commuted to a lump sum and may not be paid less frequently than every two (2) weeks.

72-1020. AWARD NOT SUBJECT TO EXECUTION, ATTACHMENT, GARNISHMENT, OR ASSIGNMENT -- EXCEPTION. (1) An award is not subject to execution, attachment, garnishment, or other process.

(2) An assignment or agreement to assign a right to compensation in the future is unenforceable except:

(a) An assignment of a right to compensation for work loss to secure payment of maintenance or child support; or

(b) An assignment of a right to compensation to the extent that the benefits are for the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

72-1021. RECONSIDERATION AND REVIEW OF COMMISSION'S DECISIONS. (1) The commission, on its own motion or on request of the claimant, may reconsider a decision making or denying an award or determining its amount. The commission shall reconsider at least annually every award being paid in installments. An order on reconsideration of an award may not require refund of amounts previously paid unless the award was obtained by fraud.

(2) The right of reconsideration does not affect the finality of a commission decision.

72-1022. NO APPEAL. There shall be no right of appeal from a final determination of the commission.

72-1023. SUBROGATION. (1) If a claimant seeks compensation under this chapter and compensation is awarded, the account is entitled to full subrogation against a judgment or recovery received by the claimant against the offender for all compensation paid under this chapter. The account's right of subrogation shall be a first lien on the judgment or recovery. If the claimant does not institute the action against the offender within one (1) year from the date the criminally injurious conduct occurred, the commission may institute the action in the name of the claimant or the claimant's personal representative.

(2) If the claimant institutes the action, the commission shall

pay a proportional share of costs and attorneys' fees if it recovers under its subrogation interest.

(3) If the commission institutes the action in the name of the claimant or the claimant's personal representative and the recovery is in excess of the amount of compensation paid to the claimant and costs incurred by the account in pursuit of the action, the excess shall be paid to the claimant.

(4) If a judgment or recovery includes both damages for bodily injury or death for which the commission has ordered compensation paid under this chapter and damages for which the commission has not ordered compensation paid, then the account's subrogation interest shall apply only to that proportion of the judgment or recovery for which it has paid compensation. In a civil action in a court of this state arising out of criminally injurious conduct, the judge, on timely motion, shall direct the jury to return a special verdict indicating separately the amounts of the various items of damages awarded. A claimant may not make recoveries against the offender in such a way as to avoid and preclude the account from receiving its proper subrogation share as provided in this section. The commission shall order the release of any lien provided for in subsection (1) of this section upon receipt of the account's subrogation share.

(5) Moneys received under the provisions of this section shall be paid to the account.

72-1024. EFFECT OF AWARD ON PROBATION AND PAROLE OF OFFENDER. (1) When placing any convicted person on probation, the court may set as a condition of probation the payment to the state of an amount equal to any benefits paid from the account to a victim or a victim's dependents. The court may set a repayment schedule and modify it as circumstances change.

(2) Payment of the debt may be made a condition of parole subject to modification based on a change in circumstances.

72-1025. FINES -- PRIORITY -- DISPOSITION. (1) In addition to any other fine which may be imposed upon each person found guilty of criminal activity, the court shall impose a fine according to the following schedule, unless the court orders that such fine be waived because the defendant is indigent and unable to pay:

(a) For each conviction of a felony, a fine of twenty dollars ($20.00);

(b) For each conviction of a misdemeanor that does not involve motor vehicles, a fine of ten dollars ($10.00);

(c) For each conviction of a misdemeanor prosecuted under the provisions of section 18-8004, Idaho Code, a fine of ten dollars ($10.00).

(2) The fine imposed under the provisions of this section shall have priority over all other judgments of the court, except an order to pay court costs.

(3) Notwithstanding the provisions of section 19-4705, Idaho Code, the fines imposed under the provisions of this section shall be paid into the crime victims compensation account.

72-1026. REPEAL. The provisions of this chapter are repealed effective June 30, 1991.

SECTION 2. The sum of $500,000 is hereby appropriated from the crime victims compensation account to the industrial commission for the purposes of chapter 10, title 72, Idaho Code, for the period July 1, 1986, through June 30, 1987.

Approved April 4, 1986.

CHAPTER 338
(S.B. No. 1490)

AN ACT

RELATING TO FILING OF SECURITY INTERESTS; AMENDING SECTION 28-9-307, IDAHO CODE, TO PROVIDE FOR PROTECTION OF BUYERS OF FARM PRODUCTS IN THE ORDINARY COURSE OF BUSINESS; AMENDING SECTION 28-9-401, IDAHO CODE, TO STRIKE REFERENCE TO FILING SECURITY INTERESTS ON CERTAIN PROPERTY WITH A COUNTY RECORDER, TO PROVIDE THAT THE COUNTY RECORDER IS THE PROPER OFFICE FOR FILING SECURITY INTERESTS ON CERTAIN PROPERTY, AND TO STRIKE REFERENCE TO RESIDENCE OF AN ORGANIZATION; AMENDING CHAPTER 9, PART 4, TITLE 28, IDAHO CODE, BY THE ADDITION THERETO OF A NEW SECTION 28-9-401A, IDAHO CODE, TO PROVIDE FOR CONTINUATION OF FINANCING STATEMENTS AFTER DECEMBER 31, 1986, AND TO SPECIFY THE PLACE OF FILING; AMENDING SECTION 28-9-402, IDAHO CODE, TO REQUIRE A SECURED PARTY TO FILE A FORM CONTAINING CERTAIN INFORMATION AS WELL AS A FINANCING STATEMENT, AND TO REQUIRE AMENDMENTS; AMENDING SECTION 28-9-403, IDAHO CODE, TO AUTHORIZE THE ESTABLISHMENT OF A FEE SCHEDULE FOR FILING FARM PRODUCTS FINANCING STATEMENTS; AMENDING SECTION 28-9-404, IDAHO CODE, TO REQUIRE TERMINATION OF CERTAIN FINANCING STATEMENTS WITHIN A MONTH FOLLOWING DISCHARGE OF THE SECURED OBLIGATION; AMENDING SECTION 28-9-407, IDAHO CODE, TO REQUIRE THE SECRETARY OF STATE TO MAINTAIN A CENTRAL FILING SYSTEM, TO REQUIRE CERTAIN INFORMATION BE CONTAINED, AND TO PROVIDE FOR A FEE SCHEDULE; PROVIDING AN EFFECTIVE DATE; AND STATING THAT THE PROVISIONS OF THIS ACT SHALL NOT BECOME OPERATIVE UNLESS AND UNTIL AN APPROPRIATION SUFFICIENT TO FUND THE ADMINISTRATION OF THE ACT IS PASSED.

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

SECTION 1. That Section 28-9-307, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-307. PROTECTION OF BUYERS OF GOODS. (1) A buyer in ordinary course of business (subsection (9) of section 28-1-201) other than a person buying farm products from a person engaged in farming operations takes free of a security interest created by his seller even though the security interest is perfected and even though the buyer

knows of its existence. A buyer who, in the ordinary course of business, buys farm products from a person engaged in farming operations, shall take free of a security interest created by his seller, and a commission merchant or selling agent who in the ordinary course of business sells farm products for a person engaged in farming operations, shall take and sell free of a security interest created by his seller, even though the security interest is perfected and the buyer or commission merchant or selling agent knows of the existence of such interest, if he has registered with the secretary of state pursuant to section 28-9-407(4) and the security interest is not listed on the most recent master list or cumulative supplement distributed by the secretary of state pursuant to section 28-9-407(5), unless he has received written notification (as that term is used in applicable federal law and regulation) of the security interest from the secretary of state, his seller, or the secured party.

(2) In the case of consumer goods, a buyer takes free of a security interest even though perfected if he buys without knowledge of the security interest, for value and for his own personal, family or household purposes unless prior to the purchase the secured party has filed a financing statement covering such goods.

(3) A buyer other than a buyer in ordinary course of business (subsection (1) of this section) takes free of a security interest to the extent that it secures future advances made after the secured party acquires knowledge of the purchase, or more than forty-five (45) days after the purchase, whichever first occurs, unless made pursuant to a commitment entered into without knowledge of the purchase and before the expiration of the forty-five (45) day period.

SECTION 2. That Section 28-9-401, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-401. PLACE OF FILING -- ERRONEOUS FILING -- REMOVAL OF COLLATERAL. (1) The proper place to file in order to perfect a security interest is as follows:

(a) ~~When--the-collateral-is-equipment-used-in-farming-operations,-or-farm-products,-or-accounts-or-general-intangibles-arising--from or--relating-to-the-sale-of-farm-products-by-a-farmer,-or-consumer goods,-then-in-the-office-of-the-county-recorder-in-the-county--of the--debtor's-residence-or-if-the-debtor-is-not-a-resident-of-this state-then-in-the-office-of-the--county--recorder--in--the--county where--the--goods-are-kept,-and-in-addition-when-the-collateral-is crops-growing-or-to-be-grown,-in-the-office-of-the-county-recorder in-the-county-where-the-land-is-located;~~

~~(b)~~ When the collateral is timber to be cut or is minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or when the financing statement is filed as a fixture filing (section 28-9-313) and the collateral is goods which are or are to become fixtures, then in the office of the county recorder in the county where a mortgage on the real estate would be ~~filed or~~ recorded;

(~~c~~b) In all other cases, in the office of the secretary of state.

(2) A filing which is made in good faith in an improper place or

not in all of the places required by this section is, except as to financing statements for farm products as provided in section 28-9-307, nevertheless effective with regard to any collateral as to which the filing ~~compiled~~ complied with the requirements of this chapter and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement.

(3) A filing which is made in the proper place in this state continues effective even though the debtor's residence or place of business or the location of the collateral or its use, whichever controlled the original filing, is thereafter changed.

(4) The rules stated in section 28-9-103 determine whether filing is necessary in this state.

(5) Notwithstanding the preceding subsections, and subject to subsection (3) of section 28-9-302, the proper place to file in order to perfect a security interest in collateral, including fixtures, of a transmitting utility is the office of the secretary of state. This filing constitutes a fixture filing (section 28-9-313) as to collateral described therein which is or is to become fixtures.

~~(6)--For--the--purposes-of-this-section,-the-residence-of-an-organization-is-its-place-of-business-if-it-has-one,-or,-if--it--has--more than-one-place-of-business,-the-residence-shall-be-the-chief-executive office.~~

SECTION 3. That Chapter 9, Part 4, Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 28-9-401A, Idaho Code, and to read as follows:

28-9-401A. CONTINUATION OF FINANCING STATEMENTS AFTER DECEMBER 22, 1986 -- PLACE OF FILING. The following rules shall apply to a financing statement or continuation statement that was properly filed before December 23, 1986, in the office of a county recorder, but which, if filed after December 22, 1986, would be required by section 28-9-401, to be filed in the office of the secretary of state except as provided in section 28-9-402(9):

(1) Such financing statement shall remain effective until it lapses as provided in section 28-9-403.

(2) The effectiveness of such a financing statement may be continued only by filing a continuation statement in the office of the secretary of state that provides the name and address of the debtor and secured party, indicates the county where the financing statement is filed, complies with the requirements of section 28-9-403, and either:

(a) Indicates the types or describes the items of collateral included in the original financing statement as modified by any releases or amendments; or

(b) Has attached a copy of the originally filed financing statement together with amendments, assignments and releases affecting it. A continuation statement filed as provided in this subsection may be further continued by a continuation statement that complies with the requirements of section 28-9-403.

(3) Such a financing statement can be terminated, assigned, released or amended only by an appropriate filing in the offices of the county recorder where it is filed, except that if such a financing statement has been continued as provided in subsection (2) of this section, it can thereafter be terminated, assigned, released or amended only by an appropriate filing in the office of the secretary of state.

SECTION 4. That Section 28-9-402, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-402. FORMAL REQUISITES OF FINANCING ~~STATEMENT~~ STATEMENTS -- AMENDMENTS -- MORTGAGE AS FINANCING STATEMENT. (1) ~~A~~ Except as provided in subsection (9) of this section, a financing statement is sufficient if it gives the names of the debtor and the secured party, is signed by the debtor, gives an address of the secured party from which information concerning the security interest may be obtained, gives a mailing address of the debtor and contains a statement indicating the types, or describing the items, of collateral. A financing statement may be filed before a security agreement is made or a security interest otherwise attaches. When the financing statement covers crops growing or to be grown, the statement must also contain a description of the real estate concerned. When the financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or when the financing statement is filed as a fixture filing (section 28-9-313) and the collateral is goods which are or are to become fixtures, the statement must also comply with subsection (5). A copy of the security agreement is sufficient as a financing statement if it contains the above information and is signed by the debtor. A carbon, photographic or other reproduction of a security agreement or a financing statement is sufficient as a financing statement if the security agreement so provides or if the original has been filed in this state.

(2) A financing statement which otherwise complies with subsection (1) is sufficient when it is signed by the secured party instead of the debtor if it is filed to perfect a security interest in

(a) Collateral already subject to a security interest in another jurisdiction when it is brought into this state, or when the debtor's location is changed to this state. Such a financing statement must state that the collateral was brought into this state or that the debtor's location was changed to this state under such circumstances; or

(b) Proceeds under section 28-9-306 if the security interest in the original collateral was perfected. Such a financing statement must describe the original collateral; or

(c) Collateral as to which the filing has lapsed; or

(d) Collateral acquired after a change of name, identity or corporate structure of the debtor (subsection (7)).

(3) A form substantially as follows is sufficient to comply with subsection (1):

Name of debtor (or assignor) .....

Address .....
Name of secured party (or assignee) .....
Address .....

1. This financing statement covers the following types (or items) of property:
(Describe) .....

2. ~~(If collateral is crops) The above described crops are growing or are to be grown on:~~
~~(Describe Real Estate) .....~~

~~3.~~ (If applicable) The above goods are to become fixtures on:
(Describe Real Estate) .....
and this financing statement is to be filed in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is .....

~~4~~3. (If the collateral is timber to be cut) The above described timber is standing on:
(Describe Real Estate).....
and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is.....

~~5~~4. (If the collateral is minerals or the like) The above described minerals (or the like) are located on:
(Describe Real Estate).....
and this financing statement is to be filed for record in the real estate records. (If the debtor does not have an interest of record) The name of a record owner is.....

~~6~~5. (If products of collateral are claimed) Products of the collateral are also covered. Signature of Debtor (or Assignor, whichever is applicable).....
Signature of Secured Party (or Assignee).....

(4) A financing statement may be amended by filing a writing signed by both the debtor and the secured party. An amendment does not extend the period of effectiveness of a financing statement. If any amendment adds collateral, it is effective as to the added collateral only from the filing date of the amendment. In this chapter, unless the context otherwise requires, the term "financing statement" means the original financing statement and any amendments.

(5) A financing statement covering timber to be cut or covering minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or a financing statement filed as a fixture filing (section 28-9-313) where the debtor is not a transmitting utility, must show that it covers this type of collateral, must recite that it is to be filed for record in the real estate records, and the financing statement must contain a description of the real estate sufficient if it were contained in a mortgage of the real estate to give constructive notice of the mortgage under the law of this state. If the debtor does not have an interest of record in the real estate, the financing statement must show the name of a record owner.

(6) A mortgage is effective as a financing statement filed as a fixture filing from the date of its recording if (a) the goods are

described in the mortgage by item or type, (b) the goods are or are to become fixtures related to the real estate described in the mortgage, (c) the mortgage complies with the requirements for a financing statement in this section other than a recital that it is to be filed in the real estate records, (d) the mortgage is duly recorded, and (e) the mortgage is filed in the same manner as a financing statement.

(7) A financing statement sufficiently shows the name of the debtor if it gives the individual, partnership or corporate name of the debtor, whether or not it adds other trade names or names of partners. Where the debtor so changes his name or in the case of an organization its name, identity or corporate structure that a filed financing statement becomes seriously misleading, the filing is not effective to perfect a security interest in collateral acquired by the debtor more than four (4) months after the change, unless a new appropriate financing statement is filed before the expiration of that time. A filed financing statement remains effective with respect to collateral transferred by the debtor even though the secured party knows of or consents to the transfer.

(8) A financing statement substantially complying with the requirements of this section is effective even though it contains minor errors which are not seriously misleading.

(9) A financing statement for farm products is sufficient if it contains the following information:

(a) The name and address of the debtor;

(b) The debtor's signature;

(c) The name, address, and signature of the secured party;

(d) The social security number of the debtor, or in the case of a debtor doing business other than as an individual, the debtor's Internal Revenue service taxpayer identification number.

(e) A description by category of the farm products subject to the security interest and the amount of such products (where applicable);

(f) A reasonable description of the real estate (including county) where the farm products are located. This provision may be satisfied by a legal description, but a legal description is not required.

(10) A financing statement described in subsection (9) must be amended in writing within three (3) months, and similarly signed and filed, to reflect any material changes. In the event such form is not incorporated within the financing statement, the effectiveness and continuation of that form is to be treated as if it were a part of the financing statement with which it is filed.

SECTION 5. That Section 28-9-403, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-403. WHAT CONSTITUTES FILING -- DURATION OF FILING -- EFFECT OF LAPSED FILING -- DUTIES OF FILING OFFICER. (1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this chapter.

(2) Except as provided in subsection (6) a filed financing state-

ment is effective for a period of five (5) years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five (5) year period unless a continuation statement is filed prior to the lapse. If a security interest perfected by filing exists at the time insolvency proceedings are commenced by or against the debtor, the security interest remains perfected until termination of the insolvency proceedings and thereafter for a period of sixty (60) days or until expiration of the five (5) year period, whichever occurs later. Upon lapse the security interest becomes unperfected, unless it is perfected without filing. If the security interest becomes unperfected upon lapse, it is deemed to have been unperfected as against a person who became a purchaser or lien creditor before lapse.

(3) A continuation statement may be filed by the secured party within six (6) months prior to the expiration of the five (5) year period specified in subsection (2). Any such continuation statement must be signed by the secured party, identify the original statement by file number and state that the original statement is still effective. A continuation statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 28-9-405, including payment of the required fee. Upon timely filing of the continuation statement, the effectiveness of the original statement is continued for five (5) years after the last date to which the filing was effective whereupon it lapses in the same manner as provided in subsection (2) unless another continuation statement is filed prior to such lapse. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the original statement. Unless a statute on disposition of public records provides otherwise, the filing officer may remove a lapsed statement from the files and destroy it immediately if he has retained a microfilm or other photographic record, or in other cases after one (1) year after the lapse. The filing officer shall so arrange matters by physical annexation of financing statements to continuation statements or other related filings, or by other means, that if he physically destroys the financing statements of a period more than five (5) years past, those which have been continued by a continuation statement or which are still effective under subsection (6) shall be retained.

(4) A filing officer shall mark each statement with a file number and with the date and hour of filing and shall hold the statement or a microfilm or other photographic copy thereof for public inspection. In addition the filing officer shall index the statement according to the name of the debtor and shall note in the index the file number and the address of the debtor given in the statement, or the filing officer shall file one (1) copy of the statement in a file arranged by the name of the debtor and a second copy in a file arranged by document number.

(5) The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement shall be two dollars ($2.00) if the statement is in the

standard form prescribed by the secretary of state and otherwise shall be three dollars ($3.00), plus in each case, if the financing statement is subject to subsection (5) of section 28-9-402, the regular recording fee with respect to a mortgage. The uniform fee for filing a mortgage as a financing statement pursuant to subsection (6) of section 28-9-402 shall be three dollars ($3.00) in addition to the regular recording fee charged for recording the mortgage. The uniform fee for each name more than one (1) required to be indexed shall be two dollars ($2.00). The secured party may at his option show a trade name for any person and an extra uniform indexing fee of two dollars ($2.00) shall be paid with respect thereto. A uniform fee of one dollar ($1.00) shall be charged for each page attached to the financing statement.

The secretary of state shall, by duly adopted administrative rule, establish a fee schedule for filing and indexing and other matters relating to filing as are described in this subsection (5) for financing statements for farm products.

(6) If the debtor is a transmitting utility (subsection (5) of section 28-9-401), and a filed financing statement so states, it is effective until a termination statement is filed. A real estate mortgage which is effective as a fixture filing under subsection (6) of section 28-9-402 remains effective as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real estate.

(7) When a financing statement covers timber to be cut or covers minerals or the like (including oil and gas) or accounts subject to subsection (5) of section 28-9-103, or is filed as a fixture filing, the filing officer shall index it under the names of the debtor and any owner of record shown on the financing statement in the same fashion as if they were the mortgagors in a mortgage of the real estate described, and, to the extent that the law of this state provides for indexing of mortgages under the name of the mortgagee, under the name of the secured party as if he were the mortgagee thereunder, or where indexing is by description in the same fashion as if the financing statement were a mortgage of the real estate described.

SECTION 6. That Section 28-9-404, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-404. TERMINATION STATEMENT. (1) If a financing statement covering consumer goods is filed on or after July 1, 1978, then within one (1) month or within ten (10) days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with ~~each~~ the filing officer with whom the financing statement was filed, a termination statement to the effect that he no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases ~~whenever~~ there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must ~~on written demand by the debtor send~~ file with the ~~debtor, for each~~ filing officer with whom the financing statement was

filed, a termination statement to the effect that he no longer claims a security interest under the financing statement~~,--which--shall--be identified--by-file-number~~. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record and complying with subsection (2) of section 28-9-405, including payment of the required fee. If the affected secured party fails to file such a termination statement for a financing statement covering consumer goods within ten (10) days after proper demand therefor, or to send such a termination statement for a financing statement covering other forms of collateral within ~~ten-(10)-days-after-proper demand-therefor~~ the time provided in this section, he shall be liable to the debtor for one hundred dollars ($100), and in addition for any loss caused to the debtor by such failure.

(2) On presentation to the filing officer of such a termination statement he must note it in the index. If he has received the termination statement in duplicate, he shall return one (1) copy of the termination statement to the secured party stamped to show the time of receipt thereof. If the filing officer has a microfilm or other photographic record of the financing statement, and of any related continuation statement, statement of assignment and statement of release, he may remove the originals from the files at any time after receipt of the termination statement, or if he has no such record, he may remove them from the files at any time after one (1) year after receipt of the termination statement.

(3) If the termination statement is in the standard form prescribed by the secretary of state, there shall be no fee for filing and indexing the termination statement (including sending or delivering the financing statement), and otherwise shall be one dollar ($1.00).

SECTION 7. That Section 28-9-407, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-407. INFORMATION FROM FILING OFFICER. (1) If the person filing any financing statement, termination statement, statement of assignment, or statement of release, furnishes the filing officer a copy thereof, the filing officer shall upon request note upon the copy the file number and date and hour of the filing of the original and deliver or send the copy to such person.

(2) Upon request of any person, the filing officer shall issue his certificate showing whether there is on file on the date and hour stated therein, any presently effective financing statement naming a particular debtor and any statement of assignment thereof and if there is, giving the date and hour of filing of each such statement and the names and addresses of each secured party therein. The uniform fee for such a certificate shall be six dollars ($6.00) if the request is in the standard form prescribed by the secretary of state and otherwise shall be seven dollars ($7.00). For an additional uniform fee of six dollars ($6.00), the person making the request for information may in addition request copies of any or all financing statements and statements of assignment, with all attachments thereto, which may or may

not be on file.

(3) The secretary of state shall develop and implement a central filing system containing the information filed with his office pursuant to section 28-9-402(9). Under this system the secretary shall record the date and time of filing and compile the information into a master list organized according to farm products. The list shall be organized within each farm product category in alphabetical order according to the last name of the borrower (or, in the case of borrowers doing business other than as individuals, the first word in the name of such borrower). The list shall be further organized according to and contain information required by federal law and regulation. The secretary of state shall, by duly adopted administrative rule, designate the categories of farm products to be used in compiling the master list. The secretary of state may establish and maintain, pursuant to duly adopted administrative rule, a separate system for filing of financing statements and search, retrieval and dissemination of information relating to financing statements for farm products, and require separate search requests for such information pursuant to a fee schedule to be established in such administrative rule.

(4) The secretary of state shall maintain a list of all buyers of farm products, commission merchants, and selling agents who register with the secretary of state indicating an interest in receiving the lists described in subsection (5) of this section.

(5) The secretary of state shall distribute complete master lists for each farm product category at least quarterly to each buyer, commission merchant and selling agent registered under subsection (4) of this section and distribute either complete lists or cumulative supplements, which supplements shall be issued not less frequently than semimonthly, of financing statements for farm products filed subsequent to the last date of filing for financing statements on the last preceding quarterly master list, which the buyer, commission merchant or selling agent has requested. The date of receipt for lists and supplements shall be the third calendar day following the date of mailing by the secretary of state, or in the event the mail is not delivered on that day, the first day thereafter on which mail is delivered.

(6) Upon the request of any person the secretary of state shall provide, within twenty-four (24) hours, an oral confirmation of the filing of the form described in section 28-9-402(9) followed by a written confirmation.

(~~3~~7) Upon request of any person, the filing officer shall furnish copies of particular filed financing statements or statements of assignment at a uniform cost of one dollar ($1.00) per page if the requestor provides the filing officer with the file numbers of the statement to be copied.

(8) The secretary of state shall, by administrative rule, establish a fee schedule for registration and listing of buyers of farm products, commission merchants, and selling agents of farm products and for distribution of master lists and supplements of master lists and information and oral confirmation of filing as required by section 28-9-407.

SECTION 8. Sections 1 through 7 of this act shall become effective at midnight on December 22, 1986, except as to the Secretary of State's adoption of rules to implement this act which may be done at any time. Except when explicitly provided otherwise in this act, transactions validly entered into before the effective date and the rights, duties and interests flowing therefrom remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by any statute or other law amended or affected by this act as though such amendment or effect had not occurred. Secured parties having security interests in farm products predating the effective date of Section 4 of this act may file financing statements with the Secretary of State which comply with Section 28-9-402(9), as it is amended by Section 4 of this act, for such farm products on and after October 24, 1986, and the fee schedules applicable to farm products financing statement filings pursuant to Section 5 of this act shall be applicable to those early filings.

SECTION 9. Notwithstanding any effective date contained in any other section of this act, the provisions of this act shall not become effective unless and until an appropriation is made to the Office of the Secretary of State which is sufficient in amount to adequately fund the administration of the provision of this act.

Approved April 4, 1986.

CHAPTER 339
(S.B. No. 1488)

AN ACT

APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR IMPLEMENTATION OF A CENTRAL FILING SYSTEM FOR THE UNIFORM COMMERCIAL CODE DIVISION FOR FISCAL YEAR 1987.

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

SECTION 1. There is hereby appropriated to the Secretary of State for implementation of a central filing system for the Uniform Commercial Code Division, $620,000 from the General Account for the period July 1, 1986, through June 30, 1987.

Approved April 4, 1986.

CHAPTER 340
(S.B. No. 1357)

AN ACT

RELATING TO SHELTER HOME CARE; AMENDING SECTION 39-3301, IDAHO CODE, TO DEFINE SPECIALIZED SHELTER HOMES AS A SUB-CLASS OF SHELTER HOMES.

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

SECTION 1. That Section 39-3301, Idaho Code, be, and the same is hereby amended to read as follows:

39-3301. DEFINITIONS. As used in this chapter:

(1) "Shelter home" means a building or any facility, however named, operated on either a profit or nonprofit basis, for the purpose of providing a home with necessary supervision and facilities for three (3) or more persons not related to the owner who are unable to care for themselves.

(2) "Specialized shelter home" means any shelter home with either developmentally disabled or mentally ill residents and a licensed bed capacity of fifteen (15) or less residents that provides twenty-four (24) hour supervision and an individualized written plan of care based on the needs of each resident.

(3) "Board" means the board of health and welfare.

(~~3~~4) "Department" means the state department of health and welfare.

(~~4~~5) "Director" means the director of the department of health and welfare.

(~~5~~6) "Governmental unit" means the state, any county, any city, other political subdivision, or any department, division, board, or other agency thereof.

(~~6~~7) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof.

(~~7~~8) "Supervision" means administrative activity which emphasizes protection and assistance with activities of daily living directed towards self care skills. Supervision does not include nursing care or personal health services.

(~~8~~9) "Resident" means an occupant of a shelter home other than the owner, manager or employees.

Approved April 4, 1986.

CHAPTER 341
(H.B. No. 612)

AN ACT

RELATING TO ACCEPTANCE OF FEDERAL ACTS; AMENDING CHAPTER 54, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5413, IDAHO CODE, TO ACCEPT CERTAIN FEDERAL ACTS FOR VOCATIONAL REHABILITATION PURPOSES.

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

SECTION 1. That Chapter 54, 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 67-5413, Idaho Code, and to read as

follows:

67-5413. ACCEPTANCE OF FEDERAL ACTS. The state of Idaho and the commission for the blind hereby affirm their acceptance of the provisions and benefits of the act of Congress entitled, "The Randolph-Sheppard Act," P.L. 93-516, 93rd Congress, and "The Rehabilitation Act of 1973," as amended, P.L. 98-221, 98th Congress, and will observe and comply with all requirements of such acts, limited only by approved state plan and funding restrictions.

Approved April 4, 1986.

CHAPTER 342
(H.B. No. 669)

AN ACT

RELATING TO TAX ON CORPORATE INCOME; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 63-3027B, 63-3027C, 63-3027D AND 63-3027E, IDAHO CODE, TO PROVIDE THAT CERTAIN CORPORATIONS MAY FILE IDAHO INCOME TAX RETURNS UNDER A WATER'S-EDGE ELECTION, TO PROVIDE THAT THE ELECTION IS BINDING ON THE CORPORATION, TO PROVIDE FOR THE TREATMENT OF DIVIDENDS, TO PROVIDE FOR PRESUMPTIONS AND BURDENS OF PROOF, AND TO PROVIDE FOR OPERATIVE DATES.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 63-3027B, 63-3027C, 63-3027D and 63-3027E, Idaho Code, and to read as follows:

63-3027B. WATER'S EDGE ELECTION. (a) Notwithstanding the provisions of subsections (r) and (s) of section 63-3027, Idaho Code, a qualified taxpayer, as defined in paragraph (3) of subsection (b) of this section whose income is subject to the tax imposed under this chapter, may elect to determine its income derived from or attributable to sources within this state pursuant to a water's-edge election in accordance with the provisions of this chapter, as modified by sections 63-3027B through 63-3027E, Idaho Code. A taxpayer who makes a water's-edge election shall take into account the income and apportionment factors of the following entities only:

(1) Any affiliated corporations incorporated in the United States in a unitary relationship with taxpayer and eligible to be included in a federal consolidated return, except for corporations included in such consolidated return with eighty per cent (80%) or more of the average of their payroll and property assignable to a location outside the fifty (50) states and District of Columbia, as described in sections 1501 through 1505 of the Internal Revenue Code, as modified by paragraph (1) of subsection (b) of this

section.
(2) Domestic international sales corporations, as described in sections 991 through 994 of the Internal Revenue Code and foreign sales corporations, as described in sections 921 through 927 of the Internal Revenue Code.
(3) Export trade corporations, as described in sections 970 through 972 of the Internal Revenue Code.
(4) Foreign corporations deriving gain or loss from a disposition of a United States real property interest to the extent provided by section 897 of the Internal Revenue Code.
(5) Any affiliated corporation with activities in or located in a tax-haven country, as defined in paragraph (2) of subsection (b) of this section, if:

(A) Fifty per cent (50%) or more of either of its sales, purchases, income, or expenses, exclusive of payments for intangible property, or eighty per cent (80%) of all expenses, are made or incurred directly or indirectly to or with respect to one or more members of the water's-edge combined group; or

(B) The corporation performs no significant economic activity. However, the corporation shall not be included under this paragraph if the taxpayer shows that no significant business or economic interdependence exists between the corporation and the water's-edge combined group.

(6) Any corporation incorporated outside the United States if over fifty per cent (50%) of its voting stock is owned directly or indirectly by the taxpayer and if more than twenty per cent (20%) of the average of its payroll and property is assignable to a location within the United States.
(b) For purposes of this section:
(1) The phrase "over fifty per cent (50%) of the voting stock directly or indirectly owned or controlled" shall be substituted for the phrase "at least 80 per cent" each place it appears in section 1504 of the Internal Revenue Code.
(2) A "tax haven" is any country, including territories or possessions of the United States, if it either does not impose a tax measured by income or if its maximum statutory income tax rate is less than sixty-five per cent (65%) of the maximum United States corporate income tax rate.
(3) A "qualified taxpayer" is a corporation which files, with the state income tax return on which the water's-edge election is made, a consent to the reasonable production of documents within the taxing jurisdiction. The consent shall remain in effect so long as the water's-edge election is in effect.
(4) "Water's-edge combined group" shall mean all corporations or entities included in the election of a taxpayer in subsection (a) of this section.
(5) An "affiliated corporation" is one, more than fifty per cent (50%) of the voting stock of which is owned directly or indirectly by another corporate member of the water's-edge combined group.
(6) For purposes of paragraphs (1) and (6) of subsection (a) of this section, the location of payroll and property is to be deter-

mined under the individual state's law and regulations which set forth the apportionment formulas used to assign net income subject to taxes on or measured by net income. If a state does not impose a tax on or measured by net income, the rules provided in section 63-3027, Idaho Code, shall apply.

(c) A water's-edge election may be disregarded, and the income of the taxpayer determined without regard to the provisions of this section pursuant to those conditions which may be required by the state tax commission under subsection (b) of section 63-3027C, Idaho Code, if any corporation fails to comply with:

(1) The domestic disclosure spreadsheet filing requirements defined in section 63-3027E, Idaho Code; or

(2) This state's legal and procedural requirements.

63-3027C. ELECTION IS BINDING -- TREATMENT OF DIVIDENDS. (a) A water's-edge election shall be made in the original return for a year and shall be binding for all years thereafter, except as follows:

(1) If, in the future, the United States supreme court or the supreme court of the state of Idaho rules that there is a state or federal constitutional right for a group of corporations to use the worldwide unitary method, a water's-edge combined group of corporations may, without permission of the tax commission, change its future filing to the worldwide unitary method.

(2) Any changes to use of the water's-edge method or any other changes beyond those described in paragraph (1) of this subsection may only occur with the written permission of the tax commission.

(3) No water's-edge election shall be made for an income year beginning prior to the operative date of sections 63-3027B through 63-3027E, Idaho Code.

(b) When disregarding an election or granting a change of election, the tax commission shall impose conditions which are necessary to prevent the avoidance of tax or to clearly reflect income for the period the election was made.

(c) For purposes of this section:

(1) Dividends received from payors incorporated outside the fifty (50) states and District of Columbia, to the extent taxable, shall be treated as income subject to apportionment.

(2) The net income of corporations excluded in paragraph (1) of subsection (a) of section 63-3027B, Idaho Code, and possession corporations described in sections 931 through 936, of the Internal Revenue Code shall be deemed dividends received from payors incorporated outside the fifty (50) states and District of Columbia.

(3) Eighty-five per cent (85%) of all such dividends shall be excluded from income subject to apportionment.

(4) The dividends subject to tax shall be in lieu of any expenses attributable to such dividend income.

(d) Any dividend from any payor required to be combined under the water's-edge election shall be eliminated from the calculation of apportionable income.

(e) For purposes of this section:

(1) Amounts included in income by reference to subpart F of part

III of subchapter N of chapter 1 of the Internal Revenue Code shall constitute dividends from payors outside the fifty (50) states and District of Columbia; and

(2) Deemed distributions defined by Section 78 of the Internal Revenue Code shall be excluded from the income of the water's-edge combined group.

63-3027D. PRESUMPTIONS AND BURDENS OF PROOF. (a) A qualified taxpayer and its affiliates shall be presumed to be a part of a unitary business and all income of that business shall be presumed to be apportionable business income if a valid water's-edge election has been made, except as provided in subsections (c) and (d) of section 63-3027C, Idaho Code.

(b) A taxpayer shall have the burden of proof regarding the issue of whether or not a corporation is a member of a water's-edge combined group.

63-3027E. OPERATIVE DATES. (a) Sections 63-3027B through 63-3027E, Idaho Code, shall be operative for the computation of taxes for the earlier of either of the following:

(1) Taxable years beginning on or after January 1, 1988.

(2) Taxable years beginning on or after January 1 of the year after the year in which the board of examiners, upon advice of the attorney general, certifies to the tax commission that action has been taken by the United States, whether by statute, regulation, executive order, or any other means as may be appropriate, to comply substantially with the following:

(A) A requirement that any corporation required to file a United States tax return or which could be included in a consolidated federal tax return be required to file with the Internal Revenue Service a domestic disclosure spreadsheet if its payroll, property, or sales in a foreign country exceeds one million dollars ($1,000,000). The spreadsheet shall provide for full disclosure as to the income reported to each state, the state tax liability, and the method used for apportioning or allocating income to the states, and any other information as provided for by regulations as may be necessary to determine properly the amount of taxes due to each state and to identify the water's-edge corporate group and those of its affiliates of which more than twenty per cent (20%) of the voting stock is directly or indirectly owned or controlled by a common owner or owners.

(B) That the information filed pursuant to paragraph (2)(A) of this subsection will be available to qualified states. A "qualified state" is any state that does not require the use of the worldwide unitary method of taxation except in circumstances substantially similar to those authorized in subsection (c) of section 63-3027B, Idaho Code.

(C) That qualified states are authorized access to all material developed by the Internal Revenue Service in its examination of multinational operations.

(b) If sections 63-3027B through 63-3027E, Idaho Code, become

operative pursuant to paragraph (1) of subsection (a) of this section, the tax commission may require, and taxpayers described in this subsection must file with the Idaho income tax return, a spreadsheet to provide full disclosure as to the income reported to each state for the year, the tax liability for each state, and the method used for allocating or apportioning income to the states, and to identify the water's-edge corporate group and those of its affiliates of which more than twenty per cent (20%) of the voting stock is directly or indirectly owned or controlled by a common owner or owners. The provisions of this subsection shall apply only to corporations which both make a water's-edge election and have during the taxable year, payroll, property or sales in a foreign country which exceeds one million dollars ($1,000,000).

Approved April 4, 1986.

CHAPTER 343
(H.B. No. 754)

AN ACT

RELATING TO CERTIFICATION OF AD VALOREM TAXES; AMENDING SECTION 63-2220, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES AND TO PROVIDE LIMITATIONS ON BUDGET REQUESTS OF TAXING DISTRICTS; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-2220, Idaho Code, be, and the same is hereby amended to read as follows:

63-2220. LIMITATION ON BUDGET REQUESTS -- LIMITATION ON TAX CHARGES -- EXCEPTIONS. (1) Except as provided in subsection (2), for its fiscal year commencing in 198~~1~~6 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~~4~~., 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~~ an amount determined by applying the lesser of one hundred five percent (105%) of the current year tax rate or the statutory maximum tax rate to the market value for assessment purposes; 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 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, 1986.

Approved April 4, 1986.

CHAPTER 344
(H.B. No. 521)

AN ACT

RELATING TO THE CONTINUED SUPPORT OF THE AGRICULTURAL DEVELOPMENT OF ETHANOL FOR USE IN GASOHOL; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 63-2405, IDAHO CODE, TO CONTINUE PROVIDING A REDUCED RATE OF TAX APPLIED TO GASOHOL UNTIL 1992; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. The state of Idaho has an economy that is highly dependent upon agriculture and forest products, therefore the state needs to encourage the production, distribution and consumption of gasohol as defined in subsection (7) of section

63-2401, Idaho Code. It is the purpose of this act to continue to encourage the production, distribution and consumption of gasohol and to assist the agriculture and forest product sectors of the economy of this state.

SECTION 2. That Section 63-2405, Idaho Code, 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 fourteen and one-half cents (14 1/2¢) per gallon. From May 1, 1981, to April 30, 198692, 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, 198692, 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 April 30, 1986.

Approved April 4, 1986.

CHAPTER 345
(H.B. No. 555)

AN ACT

RELATING TO REVENUES FROM THE TRANSFER AND INHERITANCE TAX ACT; AMENDING SECTION 14-425, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF TRANSFER AND INHERITANCE TAX REFUNDS FROM THE STATE REFUND ACCOUNT, TO PROVIDE FOR THE TRANSFER OF MONEYS TO THE WATER POLLUTION CONTROL ACCOUNT, AND TO PROVIDE FOR THE TRANSFER OF MONEYS TO THE RESOURCE CONSERVATION AND RANGELAND DEVELOPMENT LOAN ACCOUNT.

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

SECTION 1. That Section 14-425, Idaho Code, be, and the same is hereby amended to read as follows:

14-425. STATE TAX COMMISSION TO COLLECT TAXES. The state tax commission shall collect all taxes and moneys that may be due under this act, and remit such moneys to the state treasurer. Such moneys shall be distributed as follows:

(a) An amount of money shall be distributed to the state refund

account sufficient to pay current refund claims. All refunds authorized by the commission to be paid shall be paid through the state refund account, and those moneys are hereby continuously appropriated for that purpose. Such refunds shall be authorized for the purpose of repaying overpayments made under the transfer and inheritance tax act, for the purpose of repaying any other erroneous receipts under such tax, for the purpose of repaying any tax, penalty, or interest illegally assessed or collected, or for the purpose of paying any judgment rendered against the state tax commission under the terms and provisions of the transfer and inheritance tax act.

(b) The balance remaining after distributing the amount in subsection (a) of this section shall be distributed as follows:

(1) Ten percent (10%) of such moneys shall be paid into a suspense account for payment to the county treasurer of the county in which venue for probate and administration lies, pursuant to section 15-3-201, Idaho Code, regardless of whether such probate or administration was in fact instituted. Such moneys shall be paid by the state tax commission to the appropriate counties not less than quarterly, and shall be credited to the county current expense fund.

(~~b~~2) Eighty-five percent (85~~0~~%) of such moneys shall be transferred to the credit of the water pollution control fund account of the state~~;-except-that,-for-the-period-from-the-effective--date of--this--act-through-June-30,-1981,-one-hundred-and-five-thousand dollars-($105,000)-of-the--moneys--distributed--pursuant--to--this paragraph--shall-be-deposited-to-the-credit-of-the-water-resources conservation-and-development-trust--account,--created--in--section 42-1776,-Idaho-Code.~~

~~(c)--An--amount-equal-to-five-percent-(5%)-of-such-moneys,-but-not to-exceed-fifty-thousand-dollars-($50,000),-shall-be-deposited-in--the transfer--and-inheritance-tax-act-refund-fund,-which-is-hereby-created in-the-state-treasury.-Any-part-of-such-five-percent-(5%)--not--deposited-in-the-transfer-and-inheritance-tax-act-refund-fund-shall-be-distributed--as--are--moneys-described-in-subsection-(b)-of-this-section. The-transfer-and-inheritance-tax-act-refund-fund-shall-be-used-for-the purpose-of-repaying-overpayments-made-under-the-transfer--and--inheritance--tax--act,--for--the--purpose--of--repaying--any-other-erroneous receipts-under-such-act,-for-the-purpose-of-repaying-any-tax,-penalty, or-interest-illegally-assessed-or-collected,-or--for--the--purpose--of paying--any--judgment--rendered-against-the-state-tax-commission-under the-terms-and-provisions-of-the-transfer-and-inheritance-tax--act.--In the--event-any-such-refund-or-repayment-is-made,-then-the-county-which under-subsection-(a)-of-this-section-originally-received--ten--percent (10%)--of--the--transfer-and-inheritance-tax-shall-be-charged-with-ten percent-(10%)-of-the-moneys-refunded-but-not-in-excess-of--the--amount originally--distributed-under-subsection-(a)-and-to-the-extent-of-such refunds-charged-future-distributions-to-be-made-under--subsection--(a) to--such--counties-shall-be-paid-into-the-transfer-and-inheritance-tax act-refund-fund-in-lieu-of-being-paid-to-such-counties.-Any-balance-in the-refund-fund-in-excess-of-fifty-thousand-dollars-($50,000)-shall-be paid-solely-to-the-water-pollution-control-fund.~~

(3) Ten percent (10%) of such moneys shall be transferred to the

resource conservation and rangeland development loan account created in section 22-2730, Idaho Code.

Approved April 4, 1986.

CHAPTER 346
(H.B. No. 414, As Amended)

AN ACT
RELATING TO MOTOR VEHICLE SAFETY BELTS; AMENDING CHAPTER 7, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-764, IDAHO CODE, TO REQUIRE THE USE OF SAFETY BELTS IN CERTAIN MOTOR VEHICLES, TO PROVIDE EXCEPTIONS, TO PROVIDE THAT, IN CERTAIN CIRCUMSTANCES, A VIOLATION SHALL CONSTITUTE AN INFRACTION, AND TO PROVIDE FOR PUBLIC EDUCATION AND EVALUATION OF THE EFFECTIVENESS OF THE PROVISIONS OF THIS SECTION.

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 49-764, Idaho Code, and to read as follows:

49-764. SAFETY RESTRAINT USE. (1) Except as provided in section 49-763, Idaho Code, and subsection (b) hereof, each occupant of the front seat of a motor vehicle which has a gross vehicle weight of not more than eight thousand (8,000) pounds, and which was manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, shall have a safety belt properly fastened about his or her body at all times when the vehicle is in motion.

(2) The provisions of this section shall not apply to:

(a) An occupant of a motor vehicle who possesses a written statement from a licensed physician that he or she is unable for medical reasons to wear a safety belt;

(b) Occupants of motorcycles, implements of husbandry and emergency vehicles;

(c) Occupants of the front seat of a motor vehicle in which all safety belts are then properly in use by other occupants of such vehicle.

(3) If a person is convicted of a violation of any traffic law provided by Idaho Code, other than a violation of the provisions of sections 49-233, 49-234 or 49-235, Idaho Code, relating to proof of liability insurance, it shall be an additional infraction for any person to violate the provisions of this section, for which a fine of five dollars ($5.00) shall be imposed. A conviction under this section shall not result in violation point counts as prescribed in section 49-330, Idaho Code. In addition, a conviction under this section shall not be deemed to be a moving traffic violation for the

purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(4) The Idaho transportation department shall initiate and conduct an educational program, to the extent sufficient private donations or federal funds for this specific purpose are available to the department, to encourage compliance with the provisions of this section and to publicize the effectiveness of use of safety belts and other restraint devices in reducing risk of harm to occupants of motor vehicles.

(5) The Idaho transportation department shall evaluate the effectiveness of the provisions of this section and shall include a report of its findings in its annual evaluation report on the Idaho Highway Safety Plan which it submits to NHTSA and FHWA pursuant to 23 U.S.C. 402.

Approved April 4, 1986.

CHAPTER 347
(H.B. No. 713)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 1987; 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, 1986, through June 30, 1987:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$287,000	$45,800	$49,600	$382,400
Interagency Billing and Receipts Account	86,600	45,400		132,000
TOTAL	$373,600	$91,200	$49,600	$514,400

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.

Law Without Signature.

CHAPTER 348
(S.B. No. 1365, As Amended)

AN ACT

RELATING TO THE RECALL OF SCHOOL DISTRICT TRUSTEES; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-424, IDAHO CODE, TO PROVIDE INITIAL RECALL PROCEEDINGS AND LISTING THE CHARGES FOR WHICH A RECALL MAY BE INITIATED; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-425, IDAHO CODE, TO PROVIDE FOR FILING A RECALL PETITION; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-426, IDAHO CODE, TO PROVIDE FOR THE FORMULATION OF A BALLOT SYNOPSIS BY THE CLERK AND PETITIONING OF THE MAGISTRATE COURT TO DETERMINE THE SUFFICIENCY OF THE CHARGES; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-427, IDAHO CODE, TO PROVIDE THE PROCEDURES FOR A HEARING BY THE MAGISTRATE COURT AS TO THE SUFFICIENCY OF CHARGES AND ADEQUACY OF THE BALLOT SYNOPSIS; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-428, IDAHO CODE, TO LIMIT FILING OF A RECALL PETITION TO SIX MONTHS PRIOR TO THE NEXT REGULAR TRUSTEE ELECTION AND TO LIMIT THE TIME FOR OBTAINING AND FILING SUPPORTING SIGNATURES; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-429, IDAHO CODE, TO PROVIDE FOR THE PETITION FORM; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-430, IDAHO CODE, TO PROVIDE ADDITIONAL PETITION FORMAT REQUIREMENTS; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-431, IDAHO CODE, TO PROVIDE A FORMULA FOR DETERMINING THE NUMBER OF SIGNATURES REQUIRED ON THE RECALL PETITION; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-432, IDAHO CODE, TO PROVIDE FOR RECEIVING PETITIONS BY THE CLERK OF THE SCHOOL BOARD AND FOR ESTABLISHING A DATE FOR CANVASSING PETITIONS; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-433, IDAHO CODE, TO PROVIDE PROCEDURES FOR THE VERIFICATION AND CANVASS OF SIGNATURES; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-434, IDAHO CODE, TO PROVIDE FOR FIXING A DATE FOR A RECALL ELECTION; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-435, IDAHO CODE, TO PROVIDE PROCEDURES FOR RESPONDING TO PETITION CHARGES BY THE SCHOOL TRUSTEE WHOSE RECALL IS DEMANDED; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-436, IDAHO CODE, TO PROVIDE FOR THE DESTRUCTION OF RECALL PETITIONS WHEN INSUFFICIENT SIGNATURES ARE OBTAINED; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-437, IDAHO CODE, TO PROVIDE FOR REPORTING FRAUDULENT SIGNATURES TO PROSECUTING ATTORNEYS; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-438, IDAHO CODE, TO PROVIDE PROCEDURES FOR CONDUCTING SPECIAL RECALL ELECTIONS AND THE BALLOT FORM TO BE USED; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-439, IDAHO CODE, TO PROVIDE FOR ASCERTAINING THE RESULTS OF A RECALL ELECTION AND TO ESTABLISH WHEN THE

RECALL BECOMES EFFECTIVE; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-440, IDAHO CODE, TO PROVIDE THAT THE MAGISTRATE COURT OF THE COUNTY IN WHICH THE TRUSTEE SUBJECT TO RECALL RESIDES SHALL HAVE ORIGINAL JURISDICTION OVER COMPLIANCE WITH THE LAW; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-441, IDAHO CODE, TO PROVIDE THAT A PERSON WHO SIGNS A RECALL PETITION WITH OTHER THAN HIS TRUE NAME IS GUILTY OF A FELONY AND THAT A PERSON WHO KNOWINGLY SIGNS MORE THAN ONE PETITION OR MAKES A FALSE STATEMENT OF RESIDENCE IS GUILTY OF A MISDEMEANOR; AMENDING CHAPTER 4, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-442, IDAHO CODE, TO DEFINE A MISDEMEANOR IN RELATION TO A RECALL ELECTION AND TO DEFINE A FELONY IN RELATION TO A RECALL ELECTION; AND AMENDING SECTION 33-504, IDAHO CODE, TO PROVIDE THAT THE BOARD OF TRUSTEES SHALL DECLARE A VACANCY ON THE BOARD OF TRUSTEES WHEN A TRUSTEE IS REMOVED FROM OFFICE BY A RECALL ELECTION.

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

SECTION 1. That Chapter 4, 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 33-424, Idaho Code, and to read as follows:

33-424. INITIATING RECALL PROCEEDINGS -- STATEMENT -- CONTENTS -- VERIFICATION -- DEFINITIONS. Whenever any legal voter of the school district in the same trustee zone as the school trustee for whom the recall is being submitted, either individually or on behalf of an organization, desires to demand the recall and discharge of the school trustee, under the provisions of article 6, section 6, of the constitution of the state of Idaho, he shall prepare a typewritten charge, reciting that such school trustee has wilfully neglected or failed to perform faithfully a duty imposed by law; or acted in an arbitrary and capricious manner; or has committed an unlawful act; or has wrongfully acted so as to interfere with, interrupt, or adversely affect the performance of his official duty; or has violated his oath of office. The charge shall state the act or acts complained of in concise language, give a detailed description including the approximate date, location, and nature of each act complained of, be signed by the person making the charge, give his respective post office address, and be verified under oath that he believes the charge or charges to be true and have knowledge of the alleged facts upon which the stated grounds for recall are based.

SECTION 2. That Chapter 4, 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 33-425, Idaho Code, and to read as follows:

33-425. PETITION -- WHERE FILED. Any person making a charge shall file it with the clerk of the board, whose duty it is to receive and to promptly serve a copy of the charge upon the school trustee whose

recall is demanded.

SECTION 3. That Chapter 4, 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 33-426, Idaho Code, and to read as follows:

33-426. BALLOT SYNOPSIS. a. Within fifteen (15) days after receiving a charge, the clerk shall formulate a ballot synopsis of the charge of not more than two hundred (200) words.

b. The synopsis shall set forth the name of the person charged, and a concise statement of the elements of the charge. Upon completion of the ballot synopsis, the clerk shall certify and transmit the exact language of the ballot synopsis to the person filing the charge and the school trustee subject to recall. The clerk shall additionally certify and transmit the charges and the ballot synopsis to the magistrate court of the county in which the school trustee subject to recall resides and shall petition the magistrate court to approve the synopsis and to determine the sufficiency of the charges.

SECTION 4. That Chapter 4, 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 33-427, Idaho Code, and to read as follows:

33-427. DETERMINATION BY MAGISTRATE COURT -- CORRECTION OF BALLOT SYNOPSIS. Within fifteen (15) days after receiving the petition, the magistrate court shall have conducted a hearing on and shall have determined, without cost to any party: (1) whether or not the acts stated in the charge satisfy the criteria for which a recall petition may be filed; and (2) the adequacy of the ballot synopsis. The magistrate court shall dismiss those charges that are frivolous and designed to harass the school trustee. The clerk of the magistrate court shall notify the person subject to recall and the person demanding recall of the hearing date. Both persons may appear with counsel. The court may hear arguments as to the sufficiency of the charges, and the adequacy of the ballot synopsis. The court shall not consider the truth of the charges, but only their sufficiency. Any decision regarding the ballot synopsis by the magistrate court is final. The court shall certify and transmit the ballot synopsis to the school trustee subject to recall, the person demanding the recall, and the clerk of the board of the school trustee subject to recall.

SECTION 5. That Chapter 4, 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 33-428, Idaho Code, and to read as follows:

33-428. FILING SUPPORTING SIGNATURES -- TIME LIMITATIONS. a. The sponsors of a recall demanded of any school trustee shall stop circulation and file all petitions with the appropriate school board clerk not less than six (6) months before the next regular election in which

any school trustee is subject to reelection.

b. The sponsors of a recall demanded of any school trustee shall have a maximum of thirty (30) days in which to obtain and file supporting signatures after the approval of a ballot synopsis by the magistrate court.

SECTION 6. That Chapter 4, 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 33-429, Idaho Code, and to read as follows:

33-429. PETITION -- FORM. Recall petitions shall be printed on single sheets of paper of good writing quality including, but not limited to, newsprint not less than eight and one-half (8 1/2) inches in width and not less than fourteen (14) inches in length. No petition may be circulated or signed prior to the approval of a ballot synopsis by the magistrate court. Such petitions shall be substantially in the following form:

WARNING

Every person who signs this petition with any other than his true name, or who knowingly (1) signs more than one (1) of these petitions, (2) signs this petition when he is not a legal voter, or (3) makes herein any false statement, may be fined, or imprisoned, or both.

Petition for the recall of (here insert the name of the person whose recall is petitioned for) to the (here insert the name and title of the clerk of the school board with whom the charge is filed).

We, the undersigned citizens and legal voters of (the school district's official name and school trustee zone number), respectfully direct that a special election be called to determine whether or not (here insert the name of the person charged) be recalled and discharged from his office, for and on account of (his having committed the act or acts of malfeasance or misfeasance while in office, or having violated his oath of office, as the case may be), in the following particulars: (here insert the synopsis of the charge); and each of us for himself says: I have personally signed this petition; I am a legal voter of the state of Idaho in (the school district's official name and school trustee zone number) and county written after my name, and my residence address is correctly stated, and to my knowledge, have signed this petition only once.

Each and every signature sheet of each petition containing signatures shall be verified on the face thereof in substantially the following form by the person who circulated said sheet of the petition, by his or her affidavit thereon, as a part thereof:

State of Idaho)
) ss.
County of)

I, _____, swear, under penalty of perjury, that every person who signed this sheet of the foregoing petition signed his or her name thereto in my presence. I believe that each has stated his or her name and the accompanying required information on the signature sheet correctly, and that the person was eligible to sign this petition.

(Signature) _____
Post Office address _____
_____

Subscribed and sworn to before me this ____ day of _____, 19__.
(Notary Seal)

_____
Notary Public

Residing at _____

SECTION 7. That Chapter 4, 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 33-430, Idaho Code, and to read as follows:

33-430. PETITION -- SIZE. Each recall petition at the time of circulating, signing and filing with the clerk of the board with whom it is to be filed, shall consist of not more than five (5) sheets with numbered lines for not more than twenty (20) signatures on each sheet, with the prescribed warning, title and form of petition on each sheet, and a full, true and correct copy of the original statement of the charges against the school trustee referred to therein, printed on sheets of paper of like size and quality as the petition, firmly fastened together.

SECTION 8. That Chapter 4, 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 33-431, Idaho Code, and to read as follows:

33-431. NUMBER OF SIGNATURES REQUIRED. When the person, demanding the recall of a school trustee has secured sufficient signatures upon the recall petition he may submit the same to the clerk of the school board for filing in his office. The number of signatures required shall be equal to twenty percent (20%) of the total number of votes cast for all candidates at the last election during which the school trustee, whose recall is demanded, was elected. If the school trustee whose recall is demanded was appointed, the number of signatures required shall be equal to twenty percent (20%) of the total number of votes cast for all candidates at the last election during which his predecessor was elected.

SECTION 9. That Chapter 4, 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 33-432, Idaho Code, and to read as follows:

33-432. CANVASSING PETITION FOR SUFFICIENCY OF SIGNATURES -- NOTICE. Upon the filing of a recall petition in his office, the clerk of the school board with whom the charge was filed shall stamp on each petition the date of filing, and shall notify the person filing them and the school trustee whose recall is demanded of the date when the petitions will be canvassed, which date shall be not less than five (5) nor more than ten (10) days from the date of its filing.

SECTION 10. That Chapter 4, 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 33-433, Idaho Code, and to read as follows:

33-433. VERIFICATION AND CANVASS OF SIGNATURES -- PROCEDURE. (1) Upon the filing of a recall petition, the clerk of the school board shall proceed to verify and canvass the names of legal voters on the petition.

(2) The verification and canvass of signatures on the petition may be observed by persons representing the advocates and opponents of the proposed recall so long as they make no record of the names, addresses, or other information on the petitions or related records during the verification process except upon the order of the magistrate court. The clerk of the school board may limit the number of observers if in his opinion a greater number would cause undue delay or disruption of the verification process. Any such limitation shall apply equally to both sides, but in no case shall fewer than two (2) observers on each side be allowed. If the clerk of the school board finds the same name signed to more than one (1) petition, he shall reject all but one (1) such valid signature.

SECTION 11. That Chapter 4, 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 33-434, Idaho Code, and to read as follows:

33-434. FIXING DATE FOR RECALL ELECTION -- NOTICE. If, at the conclusion of the verification and canvass, it is found that a petition for recall bears the required number of signatures of certified legal voters, the clerk of the school board shall promptly certify the petitions as sufficient and fix a date for the special election to determine whether or not the school trustee charged shall be recalled and discharged from office. The special election shall be held not less than fourteen (14) days nor more than forty-five (45) days from the certification. Notice shall be given in the manner as required by law for all other school elections as provided in section 33-402, Idaho Code.

SECTION 12. That Chapter 4, 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 33-435, Idaho Code, and to read as follows:

33-435. RESPONSE TO PETITION CHARGES. When a date for a special election is set, the clerk of the school board shall serve a notice of the date of the election to the school trustee whose recall is demanded and the person demanding recall. Such notice may be made only in person or by certified mail, return receipt requested. After having been served a notice of the date of the election and the ballot synopsis, the school trustee whose recall is demanded may submit to

the clerk of the school board a response, not to exceed two hundred (200) words in length, to the charge contained in the ballot synopsis. Such response shall be submitted by the seventh consecutive day after service of the notice. The clerk of the school board shall promptly send a copy of the response to the person who filed the petition.

SECTION 13. That Chapter 4, 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 33-436, Idaho Code, and to read as follows:

33-436. DESTRUCTION OF INSUFFICIENT RECALL PETITION. If it is found that the recall petition does not contain the requisite number of signatures of certified legal voters, the clerk of the school board shall so notify the person filing the petition, and specify the number of additional signatures required to make the petition valid. The petition must be perfected within thirty (30) days of the date that the clerk finds the petition defective for lack of certified signatures. If the petition is not perfected within the thirty (30) day period, the clerk shall declare the petition null and void ab initio in its entirety.

SECTION 14. That Chapter 4, 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 33-437, Idaho Code, and to read as follows:

33-437. INVALID NAMES - RECORD OF. The clerk of the school board shall keep a record of all names appearing thereon which are not certified to be legal residents of the trustee zone, and of all names appearing more than once thereon, and he may report the same to the prosecuting attorneys of the respective counties where such names appear to have been signed, to the end that prosecutions may be had for such violation of the provisions of this chapter.

SECTION 15. That Chapter 4, 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 33-438, Idaho Code, and to read as follows:

33-438. CONDUCT OF ELECTION -- FORM OF BALLOT. The special election to be called for the recall of school trustees shall be conducted in the same manner as regular school trustee elections are conducted. The clerk of the school board shall provide for the holding of recall elections and the necessary places and officers, ballot boxes, ballots, poll books, voting machines, supplies, and returns as are required by law for holding regular school trustee elections. The ballots at any recall election shall contain a full true, and correct copy of the ballot synopsis of the charge, the school trustee's response to the charge if such has been filed, and shall be so arranged that any voter can, by making one cross (X), express his desire to have the school trustee charged recalled from his office, or

retained therein. The following form shall substantially comply with the provisions of this section:

RECALL BALLOT

(Here insert the ballot synopsis of the charge.)	(Here insert the school trustee's response to the charge.)

FOR the recall of (here insert the name of the school trustee) .....
AGAINST the recall (here insert the name of the school trustee) .....

SECTION 16. That Chapter 4, 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 33-439, Idaho Code, and to read as follows:

33-439. ASCERTAINING THE RESULT -- WHEN RECALL EFFECTIVE. The votes on a recall election shall be counted, canvassed, and the results certified in the manner provided by law for counting, canvassing, and certifying the results of an election for school trustee. If a majority of all votes cast at the recall election is for the recall of the school trustee charged, he shall thereupon be recalled and discharged from his office.

SECTION 17. That Chapter 4, 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 33-440, Idaho Code, and to read as follows:

33-440. ENFORCEMENT PROVISIONS -- MANDAMUS -- APPEALS. The magistrate court of the county in which the school trustee subject to recall resides has original jurisdiction to compel the performance of any act required of any public officer or to prevent the performance by any such officer of any act in relation to the recall not in compliance with law.

SECTION 18. That Chapter 4, 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 33-441, Idaho Code, and to read as follows:

33-441. VIOLATIONS BY SIGNERS. Every person who signs a recall petition with any other than his true name is guilty of a felony. Every person who knowingly (1) signs more than one (1) petition for the same recall, (2) signs a recall petition when he is not a legal voter, or (3) makes a false statement as to his residence on any recall petition is guilty of a misdemeanor.

SECTION 19. That Chapter 4, Title 33, Idaho Code, be, and the same is hereby amended by the addition of a NEW SECTION, to be known and designated as Section 33-442, Idaho Code, and to read as follows:

33-442. VIOLATIONS -- CORRUPT PRACTICES. (1) Every person is guilty of a misdemeanor, who:

(a) Wilfully or knowingly circulates, publishes or exhibits any false statement or representation concerning the contents, purport or effect of any recall petition for the purpose of obtaining any signature to any such petition, or for the purpose of persuading any person to sign any such recall petition;

(b) Presents to any officer for filing any recall petition to which is attached, appended or subscribed any signature which the person so filing the petition knows to be false or fraudulent, or not the genuine signature of the person purporting to sign such petition, or whose name is attached, appended or subscribed thereto;

(c) Circulates or causes to circulate any recall petition, knowing the same to contain false, forged or fictitious names;

(d) Makes any false affidavit concerning any recall petition or the signatures appended thereto;

(e) Offers, proposes or threatens for any pecuniary reward or consideration:

(i) To offer , propose, threaten or attempt to sell, hinder or delay any recall petition or any part thereof or any signatures thereon;

(ii) To offer, propose or threaten to desist from beginning, promoting or circulating any recall petition;

(iii) To offer, propose, attempt or threaten in any manner or form to use any recall petition or any power of promotion or opposition in any manner or form for extortion, blackmail or secret or private intimidation of any person or business interest.

(2) A public officer is guilty of a felony, who knowingly makes any false return, certification or affidavit concerning any recall petition, or the signatures appended thereto.

SECTION 20. That Section 33-504, Idaho Code, be, and the same is hereby amended to read as follows:

33-504. VACANCIES ON BOARDS OF TRUSTEES. A vacancy shall be declared by the board of trustees when any nominee has been elected but has failed to qualify for office, or when any trustee shall (a) die; (b) resign as trustee; (c) remove himself from his trustee zone of residence; (d) no longer be a resident or school district elector of the district; (e) refuse to serve as trustee; or (f) without excuse acceptable to the board of trustees, fail to attend four (4) consecutive regular meetings of the board; or (g) be recalled and discharged from office as provided in section 33-439, Idaho Code.

Such declaration of vacancy shall be made at any regular or special meeting of the board of trustees, at which any of the above-mentioned conditions are determined to exist.

The board of trustees shall appoint to such vacancy a person qualified to serve as trustee of the school district providing there remain in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state board of education of the appointment. Otherwise, appointments shall be made by the board of county commissioners of the county in which the district

is situate, or of the home county if the district be a joint district.

Any person appointed as herein provided shall serve until the annual meeting of school district trustees next following such appointment. At the annual election a trustee shall be elected to complete the unexpired term of the office which was declared vacant and filled by appointment.

The elected trustee shall assume office at the annual meeting of the school district next following the election.

Approved April 9, 1986.

SENATE JOINT RESOLUTIONS

(S.J.R. No. 102)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 6, ARTICLE XVIII, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO TERMS OF COUNTY CORONERS, TO PROVIDE THAT COUNTY CORONERS SHALL BE ELECTED EVERY FOUR YEARS COMMENCING WITH THE GENERAL ELECTION HELD IN 1986; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 6, Article XVIII, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 6. COUNTY OFFICERS. The legislature by general and uniform laws shall, commencing with the general election in 19~~70~~86, provide for the election biennially, in each of the several counties of the state, of county commissioners ~~and a coroner~~ and for the election of a sheriff, ~~and~~ a county assessor, a county coroner and~~,~~ a county treasurer, who is ex-officio public administrator, every four years in each of the several counties of the state. All taxes shall be collected by the officer or officers designated by law. The clerk of the district court shall be ex-officio auditor and recorder. No other county offices shall be established, but the legislature by general and uniform laws shall provide for such township, precinct and municipal officers as public convenience may require, and shall prescribe their duties, and fix their terms of office. The legislature shall provide for the strict accountability of county, township, precinct and municipal officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. The county commissioners may employ counsel when necessary. The sheriff, county assessor, county treasurer, and ex-officio tax collector, auditor and recorder and clerk of the district court shall be empowered by the county commissioners to appoint such deputies and clerical assistants as the business of their office may require, said deputies and clerical

assistants to receive such compensation as may be fixed by the county commissioners.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 6, Article XVIII, of the Constitution of the State of Idaho be amended to provide for the election of county coroners every four years commencing with the general election of 1986, rather than every two years as presently required?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Passed by the Senate March 6, 1986.
Passed by the House March 20, 1986.

(S.J.R. No. 107)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE IV, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO THE GRANTING OF COMMUTATIONS BY THE BOARD OF PARDONS TO REMOVE OUTDATED LANGUAGE AND TO PROVIDE THAT THE BOARD OF PARDONS SHALL HAVE THE POWER TO GRANT COMMUTATIONS AND PARDONS AFTER CONVICTION AND JUDGMENT, ONLY AS PROVIDED BY STATUTE; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE PROPOSED AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 7, Article IV, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 7. THE PARDONING POWER. ~~From and after July 1, 1947, s~~Such board as may hereafter be created or provided by legislative enactment shall constitute a board to be known as the board of pardons. Said board, or a majority thereof, shall have power to remit fines and forfeitures, and, only as provided by statute, to grant commutations and pardons after conviction and judgment, either absolutely or upon such conditions as they may impose in all cases of offenses against the state except treason or conviction on impeachment. The legislature shall by law prescribe the sessions of said board and the manner in which application shall be made,

and regulated proceedings thereon, but no fine or forfeiture shall be remitted, and no commutation or pardon granted, except by the decision of a majority of said board, after a full hearing in open session, and until previous notice of the time and place of such hearing and the release applied for shall have been given by publication in some newspaper of general circulation at least once a week for four weeks. The proceedings and decision of the board shall be reduced to writing and with their reasons for their action in each case, and the dissent of any member who may disagree, signed by him, and filed, with all papers used upon the hearing, in the office of the secretary of state.

The governor shall have power to grant respites or reprieves in all cases of convictions for offenses against the state, except treason or conviction on impeachment, but such respites or reprieves shall not extend beyond the next session of the board of pardons; and such board shall at such session continue or determine such respite or reprieve, or they may commute or pardon the offense, as herein provided. In cases of conviction for treason the governor shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct its execution, or grant a further reprieve.

SECTION 2. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Section 7, Article IV, of the Constitution of the State of Idaho be amended to remove outdated language and to provide that the power of the Board of Pardons to grant commutations and pardons after conviction and judgment shall be only as provided by statute?".

SECTION 3. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 4. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Passed by the Senate January 30, 1986.
Passed by the House March 26, 1986.

HOUSE JOINT RESOLUTIONS

(H.J.R. No. 4)

A JOINT RESOLUTION

PROPOSING AMENDMENTS TO SECTIONS 2, 4 AND 5, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO APPORTIONMENT OF THE LEGISLATURE, TO APPLY TO APPORTIONMENTS AFTER 1990, TO LIMIT THE MEMBERSHIP OF THE SENATE TO NOT LESS THAN THIRTY NOR MORE THAN THIRTY-FIVE MEMBERS AND THE HOUSE OF REPRESENTATIVES TO NOT MORE THAN TWO TIMES THE SIZE OF THE SENATE; TO DELETE THE REQUIREMENT THAT EACH COUNTY SHALL BE ENTITLED TO ONE REPRESENTATIVE; TO PROVIDE THAT COUNTIES SHALL BE DIVIDED ONLY TO THE EXTENT DETERMINED NECESSARY BY STATUTE TO COMPLY WITH THE CONSTITUTION OF THE UNITED STATES; TO PERMIT DIVIDING A COUNTY WHEN DISTRICTS ARE WHOLLY WITHIN A SINGLE COUNTY; TO PROHIBIT FLOTERIAL DISTRICTS; AND TO PERMIT MULTI-MEMBER DISTRICTS IF A DISTRICT IS COMPOSED OF MORE THAN ONE COUNTY, ONLY TO THE EXTENT THAT TWO REPRESENTATIVES MAY BE ELECTED FROM A DISTRICT FROM WHICH ONE SENATOR IS ELECTED; STATING THE QUESTION TO BE SUBMITTED TO THE ELECTORATE; DIRECTING THE LEGISLATIVE COUNCIL TO PREPARE THE STATEMENTS REQUIRED BY LAW; AND DIRECTING THE SECRETARY OF STATE TO PUBLISH THE AMENDMENT AND ARGUMENTS AS REQUIRED BY LAW.

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

SECTION 1. That Section 2, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 2. MEMBERSHIP OF HOUSE AND SENATE. Following the decennial census of 1990 and in each legislature thereafter, t~~T~~he senate shall consist of ~~one-(1)-member-from-each county~~ not less than thirty nor more than thirty-five members. The legislature may fix the number of members of the house of representatives at not more than ~~three-(3)~~ two times as many representatives as there are senators. The senators and representatives shall be chosen by the electors of the respective counties or districts into which the state may, from time to time, be divided by law.

SECTION 2. That Section 4, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 4. APPORTIONMENT OF LEGISLATURE. The members of the ~~first~~ legislature following the decennial census of 1990

and each legislature thereafter shall be apportioned to ~~the several~~ not less than thirty nor more than thirty-five legislative districts of the state ~~in proportion to the number of votes polled at the last general election for delegate to congress, and thereafter to be apportioned~~ as may be provided by law~~: provided, each county shall be entitled to one representative~~.

SECTION 3. That Section 5, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 5. SENATORIAL AND REPRESENTATIVE DISTRICTS. A senatorial or representative district, when more than one county shall constitute the same, shall be composed of contiguous counties, and ~~no~~ a county ~~shall~~ may be divided in creating ~~such~~ districts only to the extent it is reasonably determined by statute that counties must be divided to create senatorial and representative districts which comply with the constitution of the United States. A county may be divided into more than one legislative district when districts are wholly contained within a single county. No floterial district shall be created. Multi-member districts may be created in any district composed of more than one county only to the extent that two representatives may be elected from a district from which one senator is elected. The provisions of this section shall apply to any apportionment adopted following the 1990 decennial census.

SECTION 4. The question to be submitted to the electors of the State of Idaho at the next general election shall be as follows:

"Shall Sections 2, 4 and 5, Article III, of the Constitution of the State of Idaho, relating to apportionment of the Legislature, be amended as they apply to apportionments after 1990, to limit the membership of the Senate to not less than thirty nor more than thirty-five members and the House of Representatives to not more than two times the size of the Senate; to delete the requirement that each county shall be entitled to one representative; to provide that counties shall be divided only to the extent determined necessary by statute to comply with the Constitution of the United States; to permit dividing a county when districts are wholly within a single county; to prohibit floterial districts; and to permit multi-member districts if a district is composed of more than one county, only to the extent that two representatives may be elected from a district from which one senator is elected?".

SECTION 5. The Legislative Council is directed to prepare the statements required by Section 67-453, Idaho Code, and file the same.

SECTION 6. The Secretary of State is hereby directed to publish this proposed constitutional amendment and arguments as required by law.

Passed by the House January 22, 1986.
Passed by the Senate March 28, 1986.

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 109)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AMENDING RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO WASTEWATER TREATMENT FACILITY GRANTS.

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 certain Rules of the Department of Health and Welfare effective March 15, 1985, should be amended as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho Department of Health and Welfare Rules and Regulations Section 01.4050,05., Chapter 4, Title 1, "Rules and Regulations for Administration of Wastewater Treatment Facility Grants," be, and the same are hereby amended as follows:

01.4050, 05. Terms of Agreement. The grant offer shall contain terms of agreement as prescribed by the Department including, but not limited to: (3-15-85)

a. Terms consistent with Title 1, Chapter 4, "Rules and Regulations for Administration of Wastewater Treatment Facility Grants" and consistent with the Step covered by the grant offer; and (3-15-85)

b. Special clauses as determined necessary by the Department for the successful investigation, design, construction and management of the project; and (3-15-85)

c. Terms consistent with applicable state and federal laws pertaining to engineering reports, design and construction; and (3-15-85)

d. Requirement for the prime architectural/engineering

firm(s) and their principals retained for architectural/engineering services to carry professional liability indemnification to protect the public from the architect's/engineer's negligent acts and errors of omission of a professional nature. The total aggregate of the architect's/engineer's professional liability shall be~~:~~ ~~(3-15-85)~~

~~i.~~ ~~For--Step--1--grants,~~ one hundred thousand dollars ($100,000) or twice the amount of the architect's/engineer's fee, whichever is greater. ~~(3-15-85)~~(_____)

~~ii. For-Step-2-and/or-Step-3-grants,-the-estimated project-construction-cost.~~ ~~(3-15-85)~~

~~iii. For----Step----4----grants----the----architectural/engineering--liability--shall--be-determined-according-to-Idaho-Department-of--Health and--Welfare--Rules--and--Regulations--Section 01.4050.05.d.i.-until-the-facilities--planning completion--is-approved-by-the-Department.-The architectural/engineering-liability-for-Step-4 design-and-construction--shall--be--determined according--to--Idaho--Department-of-Health-and Welfare-Rules----and----Regulations----Section 01.4050.05.d.ii.~~ ~~(3-15-85)~~

e. The project shall be bid, contracted and constructed according to the Idaho Standards for Public Works Construction unless the grantee otherwise has approved and adopted public works construction standards. (3-15-85)

Adopted by the Senate January 29, 1986.
Adopted by the House February 13, 1986.

(S.C.R. No. 119)

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY REGARDING THE MANAGEMENT OF GROUND WATER RESOURCES, INCLUDING WARM AND HOT GROUND WATER RESOURCES IN THE STATE OF IDAHO, AND THE FEASIBILITY OF CREATING GROUND WATER DISTRICTS.

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

WHEREAS, issues relating to ground water use and the appropriate allocation of the ground water resources of the State of Idaho includ-

ing the heat and artesian pressure values associated with ground water resources, are of paramount importance to the citizens of this State; and

WHEREAS, ground water resources in a number of areas of the State have been closed to additional appropriation of ground water; and

WHEREAS, significant conflict exists over both the allocation and the methods of allocation of ground water resources; and

WHEREAS, other states have found it beneficial to create ground water management districts for lands included within critical ground water areas as designated by order of the Director of the Department of Water Resources; and

WHEREAS, the Idaho Code does not presently have a provision specifically authorizing the creation of ground water management districts; and

WHEREAS, opportunities exist to optimize the development and use of ground water resources in the public interest through improved management programs to prevent waste and contamination of the resource.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized and directed to appoint a committee of eight (8) members, composed of four (4) members from the Senate and four (4) members from the House of Representatives, to undertake and complete a study of the statutory framework for controlling the allocation, development, and distribution of the State's ground water resources, including the associated heat and artesian pressure values, and including the feasibility of the creation of ground water management districts for land included within critical ground water areas, as designated by order of the Director of the Department of Water Resources. The Committee shall consult with and receive information from representatives of the Water Resource Board, the Department of Water Resources, the Office of the Attorney General, water users, industrial users and consumer groups as well as any others interested and affected by ground water allocations in this State. The Committee may hold meetings throughout the State of Idaho as the cochairmen deem necessary.

BE IT FURTHER RESOLVED that the Committee shall report findings, recommendations and recommended legislation, if any, to the First Regular Session of the Forty-ninth Idaho Legislature.

Adopted by the Senate March 12, 1986.
Adopted by the House March 22, 1986.

(S.C.R. No. 120)

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY REGARDING PROGRAM MANDATES ON CITY AND COUNTY GOVERNMENTS AND THE FINANCIAL RESOURCES AVAILABLE TO MEET THE MANDATES.

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

WHEREAS, the Legislature is aware of the many programs operated for the benefit of their citizens by city and county governments; and

WHEREAS, many mandates, requirements, programs and conditions are established by state law but are implemented by the city or county governments; and

WHEREAS, recent extensive changes in the taxing structure, including levy limitations, budget limitations, and reductions in state and federal revenue sharing have significantly affected local fiscal flexibility; and

WHEREAS, it is imperative that the Legislature review the mandates placed upon local governments in relation to the ability of these governments to meet the mandates within the available financial resource base.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is directed to appoint a committee to undertake and complete a study of the relationship between programs and mandates on city and county governments and the financial resources available to city and county governments. The study shall include, but not be limited to, a consideration of all current mandates placed upon local governments and the accompanying ability to meet the financial demands of the mandates.

BE IT FURTHER RESOLVED that the Committee shall report findings, recommendations and recommended legislation, if any, to the First Regular Session of the Forty-ninth Idaho Legislature.

Adopted by the Senate March 13, 1986.
Adopted by the House March 26, 1986.

(S.C.R. No. 121)

A CONCURRENT RESOLUTION
TO THE IDAHO FISH AND GAME DEPARTMENT RELATING TO SHOT REGULATIONS.

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

WHEREAS, the Idaho Legislature is concerned with the possible loss of waterfowl and eagles due to lead poisoning; and

WHEREAS, the U.S. Department of the Interior has issued regulations seeking to implement nontoxic shot regulations in Bannock, Bingham, Boundary, Canyon, Jefferson, Kootenai, Bonner, Owyhee, and Power Counties of Idaho due to purported lead poisoning in waterfowl and eagles, and recent court decisions would force the U.S. Department of the Interior to close the waterfowl season in these areas if nontoxic shot regulations are not agreed to by the State; and

WHEREAS, there is not substantial and conclusive evidence as to

the extent of and/or existence of lead shot poisoning in either the waterfowl or eagle populations in the State of Idaho; and

WHEREAS, experts in the Idaho Fish and Game Department, with the input of sportsmen, are best prepared to determine the extent of lead shot poisoning problems and solutions in waterfowl and eagles.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we oppose implementation of steel shot regulations in these counties unless or until a proven documented problem is determined to exist.

BE IT FURTHER RESOLVED that the Legislature urges the U.S. Department of Interior and the Idaho congressional delegation to seek legislative remedies at the federal level so that waterfowl seasons will not be closed in areas where the State does not concur with steel shot regulations.

Approved by the Senate March 18, 1986.
Approved by the House March 25, 1986.

(S.C.R. No. 124)

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO ESTABLISH A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE PROPER DIVISION OF RESPONSIBILITY BETWEEN STATE AND LOCAL GOVERNMENTS FOR RAISING REVENUE.

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

WHEREAS, the counties and cities of the State of Idaho have been heavily dependent upon federal funding for many years in the forms of general revenue sharing, community development block grants, road and bridge matching funds, forest receipts, payments-in-lieu-of-taxes, and other specific revenues; and

WHEREAS, federal funds are being eroded, and under the provisions of the Gramm-Rudman Act can be expected to be further reduced or totally eliminated in the next five years; and

WHEREAS, counties and, to a slightly lesser extent, cities are mandated by the Idaho Constitution, the Idaho Code, and the United States Code to perform the majority of services which they provide; and

WHEREAS, said mandates do not allow for elimination or significant modification by local, elected officials even when revenues are greatly reduced; and

WHEREAS, recent extensive changes in the taxing structure, including levy limitations, budget limitations, and reductions in state and federal revenue sharing have significantly affected local fiscal flexibility; and

WHEREAS, further study of the taxing structure of the State of Idaho and of the cities, counties, and other taxing districts in the

State of Idaho is necessary.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is directed to establish a committee to undertake and complete a study of the proper division of responsibility between state and local governments for raising revenue including, but not limited to, the implementation of local option taxes and/or modification of the property tax law to transfer responsibility for raising revenue to the respective local governments. The committee shall recommend any changes which should be made therein to allow greater local government decision latitude, recommend appropriate modifications of Idaho tax law, and shall present to the First Regular Session of the Forty-ninth Idaho Legislature the Committee's report, together with recommended legislation, if any. The Legislative Council is directed to appoint a committee comprised of five members of the Senate and five members of the House of Representatives. A chairman from the Senate and a chairman from the House of Representatives shall also be appointed by the Legislative Council and they shall serve as cochairmen of the Committee.

BE IT FURTHER RESOLVED that all costs incurred by the Committee shall be paid from the Legislative Account.

Approved by the Senate March 25, 1986.
Approved by the House March 28, 1986.

(S.C.R. No. 125)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE OF LEGISLATORS TO UNDERTAKE AND COMPLETE A STUDY OF AND MAKE RECOMMENDATIONS RELATED TO JUNIOR COLLEGES IN IDAHO.

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

WHEREAS, there are two junior college districts in Idaho, North Idaho College and the College of Southern Idaho, which are supported in part with state appropriations; and

WHEREAS, twenty-two per cent of all freshman and sophomore students attending public post-secondary institutions in Idaho are enrolled at either North Idaho College or the College of Southern Idaho; and

WHEREAS, state appropriations account for thirty-nine per cent of the total support of junior college academic programs; and

WHEREAS, the provision of junior college academic programs funded partially by property taxes and state college or university academic programs funded primarily with state funds should be evaluated as to its equity for the taxpayer; and

WHEREAS, the Legislature of the State of Idaho recognizes that co-

ordination with role and missions statements developed for all institutions of higher education has become a priority for the State Board of Education and the Board of Regents of the University of Idaho; and

WHEREAS, the degree of accountability and responsibility to either the local junior college boards of trustees or the State Board of Education in terms of program needs and finances is an issue which needs to be addressed.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council shall appoint a committee of ten legislators, five members of the Senate and five members of the House of Representatives, to undertake and complete a thorough reassessment of the role and mission of junior colleges in Idaho. The Committee shall involve and solicit input from representatives from all of the post-secondary educational institutions and the Office of the State Board of Education in this reassessment. The Committee shall comprehensively examine and make recommendations regarding Idaho junior colleges' governance, funding strategies, role and missions, state appropriations distribution, cost comparisons of academic programs and differing tax burdens for junior college districts' patrons.

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-ninth Idaho Legislature.

Approved by the Senate March 25, 1986.
Approved by the House March 28, 1986.

(S.C.R. No. 126)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AMENDING CERTAIN RULES OF THE IDAHO DEPARTMENT OF HEALTH AND WELFARE RELATING TO AIR POLLUTION CONTROL.

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 certain rules of the Idaho Department of Health and Welfare Rules and Regulations, Title 1, Chapter 1, "Rules and Regulations for the Control of Air Pollution in Idaho," relating to the control of air pollution in Idaho, should be amended and clarified to conform to the legislative intent of these regulations; and

WHEREAS, toxic air pollutants are substances in the ambient air that pose a serious health risk to humans; and

WHEREAS, the incomplete incineration of polychlorinated biphenyls

(PCBs) can produce extremely toxic byproducts; and

WHEREAS, the emissions of PCBs and the toxic byproducts of PCB incineration should be regulated to protect public health; and

WHEREAS, the incineration in concentrations below 50 parts per million is not regulated by the federal government; and

WHEREAS, the public is entitled to the opportunity to comment on the issuance of any permit to construct or operate a PCB incinerator.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Idaho Department of Health and Welfare Rules and Regulations Section 01.1011 "Rules and Regulations for the Control of Air Pollution in Idaho," be, and the same is hereby amended by the addition thereto of a new subsection, to read as follows:

04. Polychlorinated Biphenyls (PCBs)

a. Burning any material containing greater than five (5) parts per million of polychlorinated biphenyls (PCBs) is prohibited, except for incineration for the purpose of disposal. Incineration for disposal shall comply with the following provisions: ( )

i. No person shall commence construction or modification of a PCB incinerator without a permit issued according to Idaho Department of Health and Welfare Rules and Regulations Section 01.1012. ( )

ii. The Department must provide opportunity for public comments prior to a final decision for a permit to construct or modify a new PCB incinerator. ( )

iii. A permit issued according to Section 01.1012 for construction or modification of a PCB incinerator shall require, as a minimum, best available control technology and monitoring instrumentation. ( )

b. No person shall sell, distribute or provide any materials containing greater than five (5) parts per million PCBs for home or commercial heating equipment. ( )

Approved by the Senate March 27, 1986.
Approved by the House March 28, 1986.

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 37)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE SECOND REGULAR SESSION OF THE FORTY-EIGHTH IDAHO LEGISLATURE FOR THE PURPOSE OF HEARING A MESSAGE FROM THE GOVERNOR.

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

WHEREAS, the Governor has informed the House of Representatives and the Senate that he desires to deliver a message to a Joint Session of the House of Representatives and the Senate of the Second Regular Session of the Forty-eighth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 6, 1986.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth 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 6, 1986, at 1 p.m. for the purpose of hearing the message from the Governor.

Approved by the House January 6, 1986.
Approved by the Senate January 6, 1986.

(H.C.R. No. 43)

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 1987 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the revenue projections in order to facilitate the appropriations process.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth 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 1986-1987 fiscal year.

Revenue Projections for 1986-1987 fiscal year:

Court System	$ 2,700,000
Secretary of State	600,000
State Treasurer	10,000,000
Department of Insurance	18,600,000
Department of Lands	180,000
Department of Law Enforcement	1,100,000
Department of Revenue and Taxation:	
Individual Income Tax	268,000,000
Corporate Income Tax	45,000,000
Kilowatt Hour Tax	2,000,000
Beer Tax	1,600,000
Mine License Tax	600,000
Wine Tax	900,000
Cigarette Tax	6,000,000
Unclaimed Property	750,000
Miscellaneous Agencies and Transfers	800,000
Liquor	4,945,000
Sales Tax	206,000,000
TOTAL	$569,775,000

Approved by the House January 29, 1986.
Approved by the Senate February 4, 1986.

(H.C.R. No. 44)

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 1986 fiscal year, and to consult with experts in all fields in order to present the most complete information available; and

WHEREAS, it is the desire of the Legislature to adopt the findings of this committee as to the total revenue available.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth 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 1985-1986 fiscal year.

Revenue Projections for 1985-1986 fiscal year:	
Court System	$ 2,600,000
Secretary of State	580,000
State Treasurer	11,500,000
Department of Insurance	18,500,000
Department of Lands	180,000
Department of Law Enforcement	1,200,000
Department of Revenue and Taxation:	
Individual Income Tax	258,545,000
Corporate Income Tax	43,000,000
Kilowatt Hour Tax	2,000,000
Beer Tax	1,600,000
Mine License Tax	600,000
Wine Tax	850,000
Cigarette Tax	6,300,000
Unclaimed Property	1,000,000
Miscellaneous Agencies and Transfers	6,600,000
Liquor	4,945,000
Sales Tax	202,000,000
TOTAL	$562,000,000

Approved by the House January 29, 1986.
Approved by the Senate February 4, 1986.

(H.C.R. No. 45)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND AMENDING A RULE OF THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES RELATING TO DEFINITIONS.

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 a rule of the Department of Labor and Industrial Services relating to definitions should be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Part 80, Chapter A, Rule 102.h. of the Department of Labor and Industrial Services, be, and the same is hereby amended to read as follows:

102. Definitions. -- As used in Part 80 of these rules and regulations, the terms defined in this section shall have the following meaning for all parts of Part 80 of these rules and regulations, unless the context clearly indicates another meaning.

a. "Director" means the director of the Department of Labor and Industrial Services for the State of Idaho.

b. "Department" means the Department of Labor and Industrial Ser-

vices of the State of Idaho.

c. "Employee" means any person suffered or permitted to work, whether paid on a time, task, piece, or commission basis. Professional, executive, administrative employees, and outside salesman shall have the same meaning as defined in the Fair Labor Standards Act, CFR 29, Part 541, as amended in the Federal Register.

d. "Employer" means any person or group of persons employing employees or acting in the interest of or as an agent of an employer, directly or indirectly, in relations to an employee.

e. "Labor dispute" means any controversy between an employer and the majority of his employees in a collective bargaining unit concerning the right, process, or details of collective bargaining or the designation of bargaining representatives.

f. "Labor organization" means any organization of any kind, or any employee representation committee or plan in which employees participate and which exists for the purpose of, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

g. "Wages" means compensation for labor or services rendered by an employee, whether the amount is determined on a time, task, piece or commission basis.

h. "Deductions for a lawful purpose," as used in Section 45-611(2), Idaho Code, shall mean deductions made for the benefit or convenience of the employee, i.e.: insurance premiums, payments to a qualified pension plan, union dues, voluntary contributions, payments to a credit union or deductions pursuant to a savings or bond purchase plan.

No employer shall make any deduction from the wages or require any refund of an employee for any cash shortage, breakage, or loss of equipment or merchandise, notwithstanding any contract or arrangement to the contrary, unless it can be shown that the shortage, breakage, or loss is caused by the dishonest or willful act, or by the gross culpable negligence of the employee.

When uniforms are required by the employer to be worn by the employee as a condition of employment, such uniform shall be provided and maintained by the employer. The term "uniform" includes wearing apparel and accessories of a distinctive design or color. (A deposit may be required to ensure the return of such uniforms to the employer upon termination of employment, at which time such deposit must be refunded to the employee.)

i. "Trainees and student-trainees,"

i. The words "to suffer or permit to work" as used in Section 44-1503, Idaho Code, to define "employee," do not make all persons employees, who without any express or implied compensation agreement, may work for their own advantages on the premises of another.

ii. Whether trainees or students are employees of an employer under Section 44-1503, Idaho Code, will depend upon all of the circumstances surrounding their activities on the premises of the employer. If all six of the following criteria apply, the trainees or students are not employees within the meaning of Section 44-1503, Idaho Code.

(a). The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school (such programs shall be submitted to the Department of Labor and Industrial Services for prior approval and such training shall not include unskilled or semiskilled jobs; such on-the-job training shall not exceed fifty percent (50%) of classroom hours and time spent in employment may only be cumulative for each calendar week);

(b). the training is for the benefit of the trainees or students;

(c). the trainees or students do not displace regular employees, but work under their close observation;

(d). the employer that provides the training derives no immediate advantage from the activities of the trainees or students, and on occasion his operations may actually be impeded;

(e). the trainees or students are not necessarily entitled to a job at the conclusion of the training period; and,

(f). the employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training. (Amended 28 June 1978)

Approved by the House February 12, 1986.
Approved by the Senate March 6, 1986.

(H.C.R. No. 47)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AMENDING CERTAIN RULES OF THE BOARD OF HEALTH AND WELFARE RELATING TO INDIVIDUAL/SUBSURFACE SEWAGE DISPOSAL SYSTEMS.

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 certain rules of the Board of Health and Welfare, effective October 15, 1985, relating to Individual/Subsurface Sewage Disposal Systems, should be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idaho Department of Health and Welfare Rules and Regulations Section 01.3005,12., Chapter 3, Title 1, "Individual/Subsurface Sewage Disposal Systems", be, and the same is hereby amended to read as follows:

01.3005, 12. Existing Installation Permits. Individual and subsurface sewage disposal installation permits or other approvals for systems issued prior to February 7, 1978, will become invalid ~~after ninety (90) days after the effec-~~

~~tive--date--of--these--regulations--if--construction--or installation-of--those--systems--has--not--commenced--by ninety--(90)--days-after-the-effective-date~~ one (1) year after written notice is given by the Director notifying the owner or holder of such a permit or approval that the permit or approval will no longer be valid unless construction or installation of the system provided for in the permit or approval is commenced within one (1) year after giving of the notice. ~~(10-15-85)~~( )

Approved by the House February 27, 1986.
Approved by the Senate March 6, 1986.

(H.C.R. No. 52)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AMENDING CERTAIN RULES AND REGULATIONS OF THE DEPARTMENT OF HEALTH AND WELFARE RELATING TO INDOOR SMOKING.

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 certain Rules of the Department of Health and Welfare effective January 1, 1986, relating to the regulation of indoor smoking, should be amended.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that Idaho Department of Health and Welfare Rules and Regulations Sections 02.23050,06., 02.23050,10., 02.23050,12. and 02.23150,04., Chapter 23, Title 2, "Rules and Regulations Governing Indoor Smoking" be, and the same are hereby amended as follows:

02.23050,06. Educational Facility. Any room, hall or building used for instruction, or supportive of instruction including~~,~~ ~~but--not-limited-to,-the:~~ classrooms, libraries, auditoriums, gymnasiums, lounges, study areas, restrooms, halls, registration areas and bookstores of any private or public preschool, kindergarten, elementary school, junior high or intermediate school, high school, vocational school, college or university. This term does not include offices assigned to faculty members or administrators. ~~(1-1-86)~~( )

02.23050,10. Meeting Room. Any room~~,~~ or hall ~~or-building~~ directly or indirectly advertised and offered for short term lease or rent to the public for the primary purpose of provid-

ing space for ~~two--(2)--or--more--persons--acting--or consorting--in--a-single-purpose-or-activity,-except-for lodging~~ meetings. This term shall not include private social functions. ~~(1-1-86)~~( )

02.23050,12. Private Social Function. ~~Any-function-for-which-all--the following--conditions--are--met:~~ An entire room or hall used for a private social function when seating arrangements are under the control of the sponsor of the function and not the proprietor or person in charge of the place. ~~(1-1-86)~~( )

~~a. The-function-is-a-specific-social--or--recreational event--for-which-an-entire-room,-hall,-building,-or conveyance-has-been-reserved--for--the--purpose--of entertainment-or-pleasure-and-not-for-the-principal purpose-of-education,-sales-or-business;~~ ~~(1-1-86)~~

~~b. The-function-is-limited-in-attendance-to-people-who have-been-specifically--invited--and--the--sale--of tickets-is-not-considered-a-specific-invitation.;~~ ~~(1-1-86)~~

~~c. Seating-arrangements-for-the-function,-if-any,--are under--the--control--of-the-sponsor-of-the-function and-not-the-proprietor-or-person-in-charge--of--the place-or-the-function.~~ ~~(1-1-86)~~

02.23150,04. Minimizing the Effects of Smoke. Where smoking areas are designated, a good faith effort shall be made by the proprietor or other person in charge to minimize the effect of smoke in adjacent nonsmoking areas. ~~Examples of-a-good-faith-effort-include-the-following:~~ ~~(1-1-86)~~( )

~~a. The-provision-of--a--continuous--physical--barrier, such--as--a--wall,--partition,-or-furnishing,-of-at least-five-(5)--feet--in--height--to--separate--the designated--smoking--and-no-smoking-areas.-The-barrier-may-contain-doors--or--portals--for--exit--and entry.~~ ~~(1-1-86)~~

~~b. The-provision-of-a-space-of-at-least-four-(4)--feet in--width-to-separate-the-designated-smoking-and-no smoking-areas.~~ ~~(1-1-86)~~

Approved by the House February 27, 1986.
Approved by the Senate March 6, 1986.

(H.C.R. No. 57)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE CONCERNING WOOD BURNING STOVES.

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

WHEREAS, wood burning stoves are an important current and future source of heating for many state residents; and

WHEREAS, inefficient wood combustion can cause unhealthful air quality, increase the risk of home fires, inhibit economic growth, and waste wood resources; and

WHEREAS, available technology and improved workmanship can provide wood burning stoves with greatly improved heating efficiency and safety and reduced emissions of air pollutants; and

WHEREAS, the United States Environmental Protection Agency has committed to propose rule making on national standards for emissions from new wood burning stoves by January, 1987, and to final rule making by January, 1988; and

WHEREAS, state and local governmental efforts to promote efficient use of wood fuel are limited by the lack of nationally consistent emission standards for wood burning stoves; and

WHEREAS, manufacturers, distributors, and sellers of wood burning stoves need nationally consistent emission standards to provide competitive, clean burning products; and

WHEREAS, Idaho could become the market outlet for wood stoves failing to meet higher standards established in neighboring states.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the following statements reflect public policy of the State of Idaho:

1. The United States Environmental Protection Agency is encouraged to meet its commitment for developing national emission standards for new wood burning stoves.

2. State and local agencies need to inform the public about improving the efficiency for currently installed wood burning stoves.

3. Local government needs to assess air pollution problems attributable to wood stove emissions and, if appropriate, adopt measures that promote efficient use of wood fuel.

Approved by the House March 11, 1986.
Approved by the Senate March 19, 1986.

(H.C.R. No. 59)

A CONCURRENT RESOLUTION

STATING THE SENSE OF THE LEGISLATURE THAT THE DISPUTE BETWEEN COUNTY COMMISSIONERS, LOCAL RESIDENTS AND RESOURCE MANAGEMENT AGENCIES REGARDING THE HAMER TO EGIN FARM TO MARKET ROAD IN SOUTHEASTERN IDAHO BE RESOLVED.

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

WHEREAS, for approximately one hundred years there has been an historic travel route in southeastern Idaho from Hamer to Egin since the early wagon road days; and

WHEREAS, there has been an ongoing dispute between the local residents and county commissioners desiring to improve the Hamer to Egin farm to market road and federal and state resource management agencies resisting improvements to this existing route; and

WHEREAS, the winter presence of an elk herd is given as the reason for the resistance to the improvement of the road by the resource management agencies, while this elk herd has increased from a very small number in the 1950's to an estimated 2,500 animals currently, and local residents have cooperated in the management and the expansion of this elk herd; and

WHEREAS, this elk herd crosses two major highways and two county roads before it reaches the wintering grounds west of the Egin area; and

WHEREAS, modern game management techniques can in many ways avoid or mitigate any conflict, should it ultimately arise in the future, with the projected sparse winter travel estimated at only twenty-five vehicles per day on the Hamer to Egin farm to market road; and

WHEREAS, an upgrade of the Hamer to Egin farm to market road would reduce the travel distances for farmers marketing agricultural products by as much as seventy-five percent, compared to the present circuitous routes that must now be taken; and

WHEREAS, the resource management agencies have based their speculations about the loss of elk foraging adjacent to the upgraded roadway upon comparative studies which contain an improper comparison to the traffic pattern on the Hamer to Egin farm to market road; and

WHEREAS, there is no logical basis for the resource management agencies to compare the disturbance of the projected twenty-five vehicles per winter day that would travel on the Hamer to Egin farm to market road with the 1983 Idaho Transportation Department's count of 890 vehicles per day on State Highway No. 33, which was the roadway used for comparison by the resource management agencies; and

WHEREAS, a more direct marketing route would be of significant economic benefit to the local farmers utilizing the Hamer to Egin farm to market road; there needs to be an improving cooperative relationship between farmers, ranchers and resource management agencies; and a high percentage of the lands used for wintering and foraging by elk in this state are privately-owned lands.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second

Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we urge the dispute between county commissioners, local residents and resource management agencies regarding the Hamer to Egin farm to market road be resolved and that the road be approved, designed and constructed as per the recommendation of the county commissioners and the Bureau of Land Management Advisory Board, that arrangements be made by all parties to monitor and mitigate any provable impact on future elk foraging and that the resource management agencies work to re-establish and enhance the greater cooperative and responsible working relationships for conservation and stewardship of land, wildlife and working conditions with the local residents whom they serve.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to each member of the Idaho Fish and Game Commission, the Director of the Idaho Department of Fish and Game, and to the State Director of the Bureau of Land Management of the United States Department of the Interior.

Approved by the House March 13, 1986.
Approved by the Senate March 27, 1986.

(H.C.R. No. 63)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE, AUTHORIZING AND DIRECTING THE DIRECTOR OF THE IDAHO DEPARTMENT OF HEALTH AND WELFARE TO REQUEST AN EXTENSION OF THE TIME FOR COMPLIANCE WITH P.L. 99-198, AND AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO STUDY ALTERNATIVE MEANS OF COMPLYING WITH P.L. 99-198.

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

WHEREAS, the Federal Government by P.L. 99-198, Section 1505, has ordered that states not collect sales tax on purchases made with food stamps by October 1, 1986; and

WHEREAS, P.L. 99-198 allows the Secretary of the Department of Agriculture to grant the states an extension until October 1, 1987, under certain circumstances; and

WHEREAS, the Revenue and Taxation Committee has attempted, but failed, in the short time available to it, to arrive at a means of complying with the requirements of P.L. 99-198 by October 1, 1986; and

WHEREAS, it would be unconscionable to withhold $37 million in food stamp assistance from those most in need because of a stroke of a federal pen.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we authorize and direct the Director of the Idaho Department of Health and Welfare, on behalf of the people of Idaho, to submit the appropriate request to

the U.S. Department of Agriculture for an extension of the time until October 1, 1987, for compliance with the requirements of P.L. 99-198; and

BE IT FURTHER RESOLVED that the Legislative Council is authorized and directed to appoint a committee to study the alternatives available for compliance with the requirements of P.L. 99-198 and to make recommendations to the First Regular Session of the Forty-ninth Idaho Legislature.

Approved by the House March 22, 1986.
Approved by the Senate March 27, 1986.

SENATE JOINT MEMORIALS

(S.J.M. No. 105)

A JOINT MEMORIAL

TO PRESIDENT RONALD REAGAN, TO THE SECRETARY OF THE DEPARTMENT OF ENERGY JOHN S. HERRINGTON, TO THE HOUSE COMMITTEE ON SCIENCE AND TECHNOLOGY CHAIRMAN DON FUQUA, 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 Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Superconducting Super Collider (SSC) is an American project to build the world's largest and most powerful particle accelerator, capable of penetrating deep into the heart of matter, uncovering its most elementary forms; and

WHEREAS, the state in which the SSC is sited must have a particular combination of attributes; favorable geology and infrastructure, low initial costs, low operating costs and the commitment of an enlightened populace and leadership; and

WHEREAS, Idaho has 890 square miles of dedicated, suitably-flat federal land located at the Idaho National Engineering Laboratory (INEL) which allows the low initial cost of cut and fill construction methods; and

WHEREAS, Idaho has inexpensive, year-round availability of power and water to facilitate low operating costs; and

WHEREAS, the INEL has an excellent existing technological capability with 9,500 experienced employees with 35 years of expertise in handling large science and engineering projects; and

WHEREAS, the INEL has $2.9 billion in existing facilities, including laboratories, office space, machine shops, assembly bays, computer centers and other services that are already in place to support the SSC project, thus eliminating the cost and effort required to build a new "science city"; and

WHEREAS, the INEL has existing road, rail and bus transportation systems connecting the site to nearby communities; and

WHEREAS, a commercial jet airport is located adjacent to the INEL capable of receiving heavy equipment via jumbo cargo aircraft; and

WHEREAS, Idaho has a highly-trained local labor force along with major construction, architectural and engineering firms prepared to

meet the construction demands of the SSC; and

WHEREAS, future upgrade and/or expansion of the SSC can be accommodated on already-dedicated land at costs substantially below many competing states; and

WHEREAS, the existing University of Idaho/Idaho State University Graduate School at the INEL produces certified technologists, M.S., and Ph.D. scientists and engineers in every technical area in which the INEL is involved; and

WHEREAS, Idaho has outstanding world-class recreation facilities in close proximity to the INEL site which include Yellowstone and Teton National Parks, the Sawtooth Mountain Range, and Sun Valley.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the President of the United States endorse and encourage the construction of the SSC, that the Congress of the United States take action to fund construction of the SSC, and that the U.S. Department of Energy place the highest priority to regain the scientific initiative in high energy physics by taking all necessary action to expediently endorse and select a primary site for the SSC and begin construction forthwith; and

BE IT FURTHER RESOLVED that the members of the Second Regular Session of the Forty-eighth Idaho Legislature are in full support of siting the SSC in our great State of Idaho at the Idaho National Engineering Laboratory; and

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to President Ronald Reagan, to the Secretary of the Department of Energy John S. Herrington, to the House Committee on Science and Technology Chairman Don Fuqua, to President of the Senate of Congress, to 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.

Approved by the Senate February 5, 1986.
Approved by the House February 14, 1986.

(S.J.M. No. 106)

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES, THE SECRETARY OF THE INTERIOR OF THE UNITED STATES, AND THE SECRETARY OF AGRICULTURE OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Idaho State Legislature recognizes and appreciates the necessity of immediately addressing and reducing the federal deficit, by the reduction of federal spending, including some cuts in transfer payments to the states for public education support and land grant universities; and

WHEREAS, Congress has adopted the Gramm-Rudman-Hollings Act which is estimated to cut federal payments to Idaho by approximately $50 million for the next eighteen months; and

WHEREAS, the Idaho State Legislature is willing to accept cuts which equally impact on all of the states and which will require all states to increasingly shoulder the responsibilities for funding of necessary programs, including public education, with state-level revenue; and

WHEREAS, the economic and tax base of Idaho is not as fully developed as necessary to provide maximum support for education as is the case in other states which do not experience 64% federal land ownership within their boundaries; and

WHEREAS, Federal Forest Reserve Funds and Impact Aid Funds (P.L. 874) payments to Idaho public schools could be reduced or eliminated by Congress or the automatic cuts in the Gramm-Rudman-Hollings Act; and

WHEREAS, federal "in lieu of" tax payment funds, which previously supported public education and other state and local government functions based on this federal ownership acreage, are also proposed for reduction or elimination; and

WHEREAS, the State of Idaho, through our constitutional Land Board, working with all potentially affected lessees and adjacent owners to avoid or minimize economic, recreational, or other impacts, is prepared to assist the Federal Government in selecting appropriate sections of land for transfer.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that Congress, with the advice of the Secretary of the Interior and the Secretary of Agriculture of the United States, authorize the transfer of two additional sections per township from federal lands to the State of Idaho for state ownership and for the sole and exclusive purpose of supporting public schools and institutions of higher education in Idaho.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States, the Secretary of the Interior of the United States, and the Secretary of Agriculture of the United States.

Approved by the Senate March 11, 1986.
Approved by the House March 22, 1986.

(S.J.M. No. 107)

A JOINT MEMORIAL

TO THE SECRETARY OF DEFENSE, CASPAR W. WEINBERGER, 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 Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, a recent administrative decision by the U.S. Army Corps of Engineers would require the City of Orofino to compensate the federal government up to $60,000 annually for hydropower loss in order for the Idaho community to divert water from behind Dworshak Dam for municipal and domestic purposes; and

WHEREAS, the Corps has in the past taken the position that it does not need a state water right because it only passes water through the dam; and

WHEREAS, the Corps should not be entitled to compensation for loss of a water right which it does not claim; and

WHEREAS, the policy behind the Corps administrative decision could have a devastating impact for existing and future water use development in Idaho, the Northwest and the Nation, should the Corps require compensation for loss of power for any diversion of water upstream from one of its power generation dams in any river basin.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein that the Secretary of Defense, Caspar W. Weinberger, be encouraged to reverse the decision of the U.S. Army Corps of Engineers requiring compensation for loss of hydropower generation resulting from upstream uses of water in the public interest and enunciate a Corps policy of compliance with state water allocation statutes.

BE IT FURTHER RESOLVED that the United States Congress enact legislation providing that hydropower facilities constructed by the Corps have only such water rights as explicitly authorized by Congress or as have been developed under applicable state law and that compensation is not required for loss of hydropower generation resulting from upstream water use development.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Secretary of Defense, Caspar W. Weinberger, to the President of the Senate and the Speaker of the House of Representatives of Congress, and to the congressional delegation representing the State of Idaho in the Congress of the United States.

Approved by the Senate March 25, 1986.
Approved by the House March 28, 1986.

(S.J.M. No. 108)

A JOINT MEMORIAL

TO THE HONORABLE RONALD REAGAN, PRESIDENT OF THE UNITED STATES, TO THE DIRECTOR OF THE VETERANS ADMINISTRATION OF THE UNITED STATES, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, there are 118,000 living veterans in Idaho, many of whom are elderly; and

WHEREAS, a donor is willing to grant title to the National Government to as much as three hundred acres of land or any portion thereof, for use as a National Cemetery with appurtenant water rights; and

WHEREAS, the site is located within easy commuting distance of the state's capitol, a population center; and

WHEREAS, all veterans did indeed serve their national government in time of emergency; and

WHEREAS, Idaho is one of the few states without a National Cemetery.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge the United States Veterans Administration and the government of the United States to make monies available before the end of the fiscal year ending September 30, 1986, to match the generous gift of a patriotic Idaho resident.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward a copy of this Memorial to the Honorable Ronald Reagan, President of the United States, to the Director of the United States Veterans Administration, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Approved by the Senate March 27, 1986.
Approved by the House March 28, 1986.

HOUSE JOINT MEMORIALS

(H.J.M. No. 15)

A JOINT MEMORIAL

TO THE FEDERAL ENERGY REGULATORY COMMISSION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE 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 Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the State of Idaho has a vital interest in the costs of natural gas supply and transmission for the state regulated public utilities and its citizenry; and

WHEREAS, Kern River Gas Transmission Company has applied to the Federal Energy Regulatory Commission for approval to construct an interstate pipeline in the State of Wyoming, delivery to various points within or adjacent to Kern County in the State of California as more particularly described in the application filed with the Federal Energy Regulatory Commission as Docket No. CP85-552-000; and

WHEREAS, operation of the Kern River Pipeline Project would have substantial economic benefits to the State of Idaho, its natural gas distribution utilities and its citizens in the form of a reduction in gas supply costs and transportation costs to those utilities served by Northwest Pipeline Corporation.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Federal Regulatory Commission is requested and encouraged to grant a certificate of public convenience and necessity to facilitate the construction and operation of the Kern River Pipeline Project.

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 Federal Energy Regulatory Commission, 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.

Approved by the House February 18, 1986.
Approved by the Senate March 11, 1986.

(H.J.M. No. 16)

A JOINT MEMORIAL

TO PRESIDENT RONALD REAGAN, SECRETARY OF TRANSPORTATION ELIZABETH HANFORD DOLE, TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE 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 Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the transportation network is the most important component in the infrastructure of the United States; and

WHEREAS, the Interstate Highways and other Federal-Aid Highway Systems are the very sinews of that transportation network; and

WHEREAS, construction of the Interstate Highway System has been the focus for massive funding for thirty years, during which time the Primary Highway System has been underfunded; and

WHEREAS, it is essential to the Nation's mobility to preserve the investment of the past fifty years in the Primary Highway System.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature urge that, during forthcoming Congressional deliberations on the future of the Federal-Aid Highway Program, greater flexibility be developed for transferring apportioned funds from the Interstate Resurfacing (4R) Program to the Primary Highway System.

BE IT FURTHER RESOLVED that the Idaho Legislature petition Congress to eliminate federal statutory mandates upon which regulations in 23 CFR 625 are based that require the blanket application of rigid safety standards to all Federal-Aid Interstate 4R Projects; and that the petition also require that all specified safety features be cost-justified in the case of each individual project.

BE IT FURTHER RESOLVED that due to the economic restraints imposed upon the Federal-Aid Highway Program by the Gramm-Rudman-Hollings Amendment, roadway standards should be made more flexible in order to give the states greater discretion in their application.

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 President Ronald Reagan, Secretary of Transportation Elizabeth Hanford Dole, 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.

Approved by the House March 11, 1986.
Approved by the Senate March 22, 1986.

(H.J.M. No. 17)

A JOINT MEMORIAL

TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN CONGRESS.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Congress recently enacted the Food Security Act of 1985, which contains many provisions, among which is the Milk Production Termination Program; and

WHEREAS, the Milk Production Termination Program is for most producers a complete career change, which is a very important issue and the amount of time available is not adequate to cover all of the necessary steps required to make an informed decision; and

WHEREAS, the regulations to implement this program were not received by our ASCS offices until the first week of February, 1986, and such regulations required a sign-up date of March 7, 1986, even though the regulations are not complete, and confusion still exists as to what can be done, when it needs to be done, and what the effect will be; and

WHEREAS, most of the producers in this state are not able to get the needed tax advice because the accounting profession is almost totally committed to assistance for income tax return preparation; and

WHEREAS, penalties for noncompliance are very severe, even though most of the requirements of the program are beyond the control of producers.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Congressional delegation take and pursue all necessary actions in order to delay the implementation date for the Milk Production Termination Program.

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 congressional delegation representing the State of Idaho in the Congress of the United States.

Approved by the House March 3, 1986.
Approved by the Senate March 4, 1986.

(H.J.M. No. 18)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES 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 Second Regular Session of the Forty-eighth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Sandinista government of Nicaragua is a notoriously repressive regime, with a record of violations of human rights including genocide of the Miskito Indians and torture and imprisonment of citizens who voice legitimate opposition to the government; and

WHEREAS, the government of Nicaragua is openly involved in the export of communism through the region, including violations of the borders of neighboring countries, involvement of guerrillas in attacks against neighboring governments, and a public vow to bring communist revolution through Central America; and

WHEREAS, the Sandinista regime is the recipient in these efforts of extensive aid from the Soviets and other Soviet bloc nations, from the communist government of Cuba, and from the government of Libya and the PLO; and

WHEREAS, America has traditionally and historically supported the efforts of the Freedom Fighters in Nicaragua, and has encouraged their legitimate efforts to resist communism in their nation and to restore freedom and democracy in Nicaragua; and

WHEREAS, victory of the Sandinista regime in Nicaragua constitutes a threat to the vital security and economic interest of Central America and consequently represents a threat to the security of the United States; and

WHEREAS, there is now pending before the Congress of the United States a program of military assistance for the Freedom Fighters of Nicaragua which is essential to their success and to the future of freedom in the Western Hemisphere.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Forty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein that the Legislature of the State of Idaho urges the Congress of the United States to join with the President of the United States in providing essential assistance to the Freedom Fighters of Nicaragua in their efforts to resist the repressive regime of the Sandinista government.

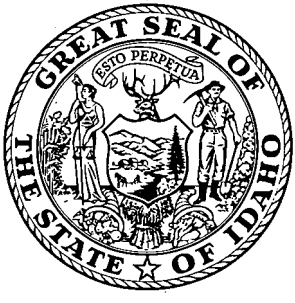
BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Approved by the House March 17, 1986.
Approved by the Senate March 22, 1986.

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-eighth Legislature of the State of Idaho, Second Regular Session thereof, which convened January 6, 1986, and adjourned March 28, 1986, 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 22nd day of April, 1986.

Pete T. Cenarrusa
Secretary of State

When errors appear in the enrolled bills received from the Legislature at the office of the Secretary of State, this office has no authority to correct them.

EXECUTIVE ORDERS

EXECUTIVE ORDER NO. 85-6

IDAHO CODE OF FAIR EMPLOYMENT PRACTICES REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-3

WHEREAS, the United States through its Constitution, laws, executive orders, and regulations has declared that all persons are to be treated fairly and equally; and the State of Idaho is committed to fulfilling that federal mandate; and

WHEREAS, the Legislature of the State of Idaho by Title 44, Chapter 17 and Title 67, Chapter 59 of the Idaho Code has declared that employment discrimination based upon race, color, national origin, religion, sex, or age is illegal; by Title 56, Chapter 7 that the handicapped shall be free from employment discrimination in public service; and by Title 65, Chapter 5 that veterans are to be given preference 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 full potential, we fail that person, our state, and our country. In accordance with the principles of fair employment practices, we must strive to recognize and advance the abilities and talents of all people, while denying no individual 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 mode 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 basis of individual merit, in accordance with the principles of fair treatment and non-discrimination on the basis of race, color, sex, religion, national origin, 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 and seek to redress under-utilization, if any, of minority, women, or handicapped persons within the state workforce.

The State Personnel Commission shall take positive steps to insure that the entire examination process, oral, written, and ratings 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 discriminatory practice, nor shall any state agency become a party to any agreement, arrangement, plan, contract, or subcontract which has the effect of sanctioning such practices.

ARTICLE III--State Financial Assistance

Race, color, religion, national origin, sex, or handicap shall not be considered in state-administered programs involving the distribution of funds to qualified recipients for benefits authorized by law; nor shall state agencies provide grants, loans, or other financial assistance to public agencies, private institutions or organizations which engage in discriminatory practices.

ARTICLE IV--State Employment Services

All state agencies, including educational institutions, which provide employment referral or placement services to public or private employers, shall accept job orders and/or applications on a nondiscriminatory 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 disciplinary action.

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.

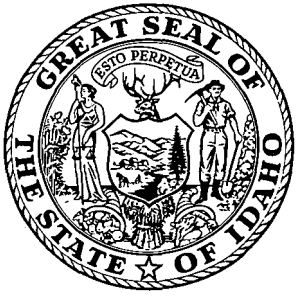
This Executive Order shall be posted in prominent places in all state facilities in public view so that its contents may be easily read by all employees and by the general public.

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. The report shall be submitted in a form prescribed by the Governor's Office and in sufficient detail to indicate whether goals established by this Code are being met.

The Governor will appoint an interagency committee to review and evaluate the reports and to consult with each appointing authority as to the progress each is making. The committee will report to the Governor the results of this review and consultation and make periodic recommendations for further improvements in the State's EEO/AA effort.

This Executive Order repeals and replaces Executive Order No. 83-3.



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 seventeenth day of May, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-7

DIRECTING ALL EXECUTIVE AGENCIES TO PARTICIPATE IN THE SUPPORT AND SPONSORSHIP OF THE 1985 ANNUAL MEETING OF THE NATIONAL GOVERNORS' ASSOCIATION

WHEREAS, the 1985 annual meeting of the National Governors' Association will be held in Boise, Idaho; and

WHEREAS, the Governors of all fifty states and five territories and the Premiers of the provinces of Canada will be in attendance; and

WHEREAS, the Chancellor of the Republic of West Germany has been invited to attend this meeting; and

WHEREAS, the President of the United States has been invited to address this meeting; and

WHEREAS, two thousand people are expected to participate in this meeting; and

WHEREAS, representatives of all the national and local press and media will be in attendance at the meeting and will be covering the event; and

WHEREAS, during the meeting, Boise and Idaho will be the focus of attention of the news media during the first week in August 1985; and

WHEREAS, several million people will form their impressions of Idaho from the coverage of this meeting; and

WHEREAS, positive impressions will increase tourism in the state and influence business location decisions; and

WHEREAS, the hosting of this meeting will be of great economic value to the State of Idaho; and

WHEREAS, the Idaho National Governors' Association Host Committee, Ltd. has been formed as a private, non-profit corporation for the purpose of promoting and sponsoring this national meeting for the benefit of the community of Boise and the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority invested in me by the Constitution and Laws of the State of Idaho, do hereby order and proclaim as follows:

1. All agencies of the Executive Branch will cooperate in the planning and hosting of the 1985 National Governors' Association meeting.
2. All departments of the Executive Branch of State Government are hereby authorized and directed to provide full cooperation and support to the Idaho NGA Host Committee, Ltd. and to provide whatever personnel and other resources may be available and necessary to that end.
   a. The Administrator of the Division of General Services, Department of Administration, is charged with general planning, coordination and management of the event, including serving as liaison with the Office of the Governor, staff of the National Governors' Association, the Idaho NGA Host Committee, Ltd. and any subcommittee thereof, and all other agencies of the Executive Branch of State Government.
   b. The Director of the Department of Administration shall be responsible for providing adequate meeting facili-

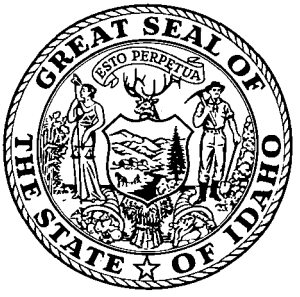
ties, furnishings, equipment, telecommunications, and support personnel necessary to the successful conduct of these meetings.

c. The Department of Law Enforcement shall serve as the lead agency in security planning and execution.

d. The Idaho Transportation Department shall serve as the lead agency in planning and providing transportation in support of meetings.

e. The Division of the Military shall serve as the lead agency in planning and providing for emergency services.

f. All other agencies shall give full support to my office and to the Administrator of the Division of General Services, Department of Administration, in the preparation and execution of plans for the National Governors' Association meeting.



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 April, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-9

COORDINATION OF STATE GOVERNMENT ACTIVITIES RELATED TO THE SNAKE RIVER RESERVED WATER RIGHTS NEGOTIATIONS

WHEREAS, Chapters 18 and 118 of the 1985 Session Laws mandate the Director of the Department of Water Resources to commence a general adjudication of the water rights of the Snake River Basin; and

WHEREAS, House Concurrent Resolution No. 16 directs the Governor and the Attorney General to attempt to resolve issues related to unidentified and unquantified reserved water rights by negotiations with the Shoshone-Bannock Tribes of the Fort Hall Indian Reservation or any other affected tribe prior to the filing of a petition to commence the adjudication of Snake River Basin water rights; and

WHEREAS, in order to effectively manage the Water Resources in the Snake River Basin it will be necessary to identify and quantify all federal and Indian reserved water rights; and

WHEREAS, it is in the interests of the State of Idaho, the United States and the Indian Tribes to quantify all reserved water rights through a process of negotiations with all reserved rights claimants; and

WHEREAS, the reserved water rights negotiations may have profound effects upon the State's water resource policy expressed in the State Water Plan and the Idaho Code; and

WHEREAS, the Idaho Water Resource Board and the Idaho Legislature have joint constitutional authority and responsibility to formulate state water resource policy.

NOW, THEREFORE, I, John V. Evans, by the authority vested in me as Governor, under the Constitution and laws of the State of Idaho, do hereby order as follows:

1. The Idaho Water Resource Board is hereby designated as lead agency to coordinate state activities related to the reserved water rights negotiations and the adjudication.
   In carrying out this responsibility the board will:
   a. Develop a plan which identifies the tasks which need to be accomplished and the agencies or entities of state government which are responsible for each task;
   b. Coordinate the activities and functions of various state agencies with respect to the reserved rights negotiations and the adjudication so as to eliminate duplication of effort and maximize available state resources;
   c. Identify potential reserved rights claimants and enter into preliminary discussions with them concerning the nature and extent of their claimed rights, and the process for resolving issues related to their claims;
   d. Represent the state in reserved rights negotiations pursuant to Section 42-1734(d), Idaho Code. The Board may from time to time authorize other parties to participate in the negotiations on behalf of other public or private interests.
   e. Consult with the Governor and members of the Idaho Legislature regarding policy issues;
   f. Consult with the Attorney General regarding legal strategy and legal issues which arise in the negotiations;
   g. Provide for the effective involvement in the negotiation process of interested water users and other members of the public.
2. In order to allow productive reserved water rights negotiations to take place with Indian tribes and federal agencies, the general adjudication of the Snake River Basin should not be commenced until such negotiations are concluded unless agreed to by reserved rights claimants.
3. The Attorney General will coordinate legal representation for the state and its agencies and institutions which may have legal interests to be protected in the reserved rights negotiations and the adjudication. In this regard, every effort should be made to harmonize the legal positions of the various state agencies and institutions.
4. Nothing herein shall be construed as affecting or limiting

the independent authority of the Director of the Department of Water Resources with respect to his statutory duties in a general adjudication to make an impartial evaluation of submitted claims.

5. All state offices, agencies, and institutions shall cooperate with the provide assistance to the Water Resource Board in carrying out its responsibilities under this order.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-fourth day of May, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-10

CONTINUATION OF THE POLICY FOR THE IMPLEMENTATION OF THE 1122 REVIEW PROGRAM IN THE STATE OF IDAHO, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-7

WHEREAS, health care and its availability, accessibility, development, cost, quality, and utilization are primary concerns of all Idaho citizens; and

WHEREAS, the need to be able to access quality health care is required for all Idaho citizens; and

WHEREAS, as Governor of the State of Idaho, I have the authority to enter the State of Idaho into an agreement with the Secretary of the United States Department of Health and Human Services for the conduct of a capital expenditure review program for health facilities within the State of Idaho pursuant to Section 1122 of the Social Security Act (42 USC Chapter 7); and

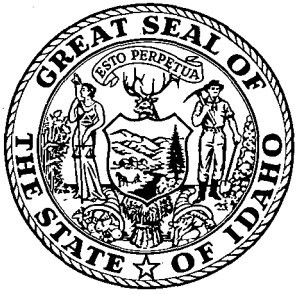
WHEREAS, to assure availability and accessibility of health care to all citizens of the state and to insure that duplication of services, excessive development of health care facilities or services and containment of health care costs are controlled, the continuation of the Section 1122 review program is necessary and proper;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby declare that a health facilities capital expenditure review program pursuant to Section 1122 of the Social Security Act will be continued as was implemented on July 1, 1983.

The 1122 review program is a regulatory review process to be administered by the Department of Health and Welfare which department will continue to be the designated planning agency for purposes of this 1122 review program.

For the purpose of assuring that federal and state funds appropriated pursuant to Titles V, XVIII, and XIX of the Social Security Act are not used to support unnecessary capital expenditures made by or on behalf of health care facilities which are reimbursed under any of such titles or state statutes, expenditures shall be analyzed and a determination as to whether they are appropriate shall be made. The Director of the Department of Health and Welfare or the Director's designee shall, after consideration of the record of review and input from the State Health Planning and Development Agency and the Health Systems Agency, make a recommendation on proposed capital expenditures to the Secretary of the United States Department of Health and Human Services for his final approval or disapproval.

This Executive Order repeals and replaces Executive Order No. 83-7.



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 June, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-11

CONTINUATION OF THE STATEWIDE HEALTH COORDINATING COUNCIL, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-8

WHEREAS, the Congress of the United States has enacted the National Health Planning and Resources Development Act of 1974 (P.L. 93-641) and the Health Planning and Resources Development Amendments of 1979 (P.L. 96-79) for which the stated purpose is to "facilitate the development of recommendations for National Health Planning Policy, to augment area-wide and state planning for health service, manpower and facilities, and to authorize financial assistance for the development of resources to further that policy"; and

WHEREAS, timely implementation of this Act requires the involvement of all levels of government, cooperation among all participants

in both the public and private sectors of the health care field, and consumers;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the Statewide Health Coordinating Council pursuant to the provisions of P.L. 93-641 and 96-79.

FURTHERMORE, within the compositional restrictions of P.L. 93-641 and P.L. 96-79, the Council shall consist of eighteen (18) members appointed by the Governor. At least eleven (11) of the members will represent Idaho Health Systems Agency, Inc., established pursuant to the provision of P.L. 93-641 and 96-79. The remaining seven (7) members shall also include, in addition to the appointed members, a representative from the State Veterans' Administration Facility and the State Health Officer as ex-officio members. The Statewide Health Coordinating Council membership will represent the health professions; various units and levels of government, public, private and voluntary health associations; rural and urban medically underserved populations; ethnic, racial and other minority groups. In the aggregate, the Council shall include persons from all social-economic stations in life and representing various geographic areas in the State; the majority of the members shall be persons classified as consumers of health services as defined by P.L. 93-641 and 96-79. The Statewide Coordinating Council Chairman shall be appointed by the Governor in consultation with the Senate.

FURTHER, the Idaho Department of Health and Welfare, as previously designated in Executive Order No. 77-6 as the State Health Planning and Resource Development Agency, is hereby directed to serve as the professional staff resource to the Council in accordance with the provisions of P. L. 93-641 and 96-79.

This Executive Order repeals and replaces Executive Order No. 83-8.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of June, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-12

CONTINUATION OF DELEGATION OF RULE-MAKING APPROVAL UNDER SECTION 72-1333(b), IDAHO CODE, REPEALING AND

REPLACING EXECUTIVE ORDER NO. 83-9

WHEREAS, Section 72-1333(b) of the Idaho Code, authorizes the Director of the Idaho Department of Employment to adopt, amend, or rescind such rules and regulations as may be necessary for the proper administration of the Employment Security Law of Idaho, subject to the prior approval of the Governor; and

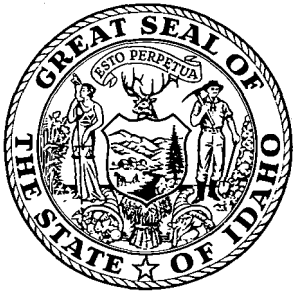
WHEREAS, it is my belief that the Director of the Department of Employment is in a position to make a more fully informed and expeditious determination as to the need for proposed rules and regulations because of direct involvement in the administration of the Employment Security Law and ready access to critical information and technical advice concerning the administration of the law; and

WHEREAS, it is in the best interest of the State to encourage the prompt resolution of any problems in the administration of the Employment Security Law; and

WHEREAS, the procedures required by the Administrative Procedure Act, Section 67-5201, et.seq., Idaho Code, provide more than adequate opportunities for the public to examine and comment on proposed rules and regulations;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue to delegate my right of prior approval under Section 72-1333(b) of the Idaho Code to the Director of the Idaho Department of Employment.

This Executive Order repeals and replaces Executive Order No. 83-9.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of June, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-13

CONTINUATION OF THE DESIGNATION OF THE DEPARTMENT OF EMPLOYMENT AS THE RECIPIENT OF ALL FUNDS UNDER THE WAGNER-PEYSER ACT, AS AMENDED, BY THE JOB TRAINING PARTNERSHIP ACT TO BE ALLOCATED TO IDAHO IN SUPPORT OF THE STATE PLAN, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-10.

WHEREAS, the Job Training Partnership Act (JTPA), Public Law 97-300 wherein the Wagner-Peyser Act was amended for the purpose of fostering a new partnership between the federal government, the states, and private sector employers and to provide maximum authority and flexibility to the states in responding to the labor market needs of their jurisdictions; and

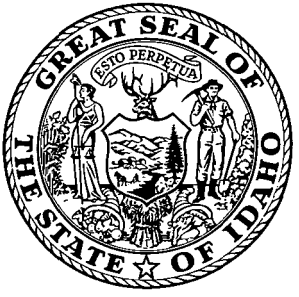
WHEREAS, Executive Order No. 83-10 assigns to the Department of Employment the general responsibility for administration of the Job Training Partnership Act of 1982; and

WHEREAS, that Act charges the Governor with substantial responsibility for implementing its provisions;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby order the following:

1. The designation of the Department of Employment as the signatory official for all grants and official documents required under the Wagner-Peyser Act, as amended;
2. The designation of the Department of Employment as the recipient of all funds to be allocated to or negotiated with Idaho in support of the state plans as required under Sections 7(a), 7(b), and 7(c) of the Act and as may be approved by the Employment and Training Administration;
3. Designation of the Department of Employment to enter into reimbursable agreements when appropriate for non-Wagner-Peyser authorized activities such as labor certification, migrant housing inspections, national labor market information, Disabled Veterans Outreach, and Local Veterans Employment Representatives; and
4. Further, as prescribed by the Act, Section 8(b), Employment Service component plans applying to each Service Delivery Area (SDA) will be developed jointly with the appropriate SDA officials and will be in accordance with the Governor's Coordination and Special Service Plan and the approved formula for distribution of resources.

This Executive Order repeals and replaces Executive Order No. 83-10.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of June, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-14

CONTINUATION OF HEALTH SERVICE AREAS FOR THE STATE OF IDAHO, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-11.

WHEREAS, the Second Session of the 93rd Congress of the United States of America did enact the National Health Planning and Resources Development Act of 1974, such Act being subsequently amended by the 96th Congress; and

WHEREAS, the President of the United States of America did concur with the Second Session of the 93rd Congress by signing into law the National Health Planning and Resources Development Act of 1974 and the subsequent amendments; and

WHEREAS, it is the stated purpose of the Act to "facilitate the development of recommendations for a national health planning policy, to augment areawide and state planning for health services, manpower, and facilities, and to authorize financial assistance for the development of resources to further that policy"; and

WHEREAS, the President and Congress of the United States of America did, through the enactment of the National Health Planning and Resources Development Act of 1974, amended in 1979, direct the governors of the several states to submit their designations to the Secretary of Health, Education and Welfare; and

WHEREAS, in pursuance of his obligation to designate the boundaries of health service areas in the State of Idaho, the Governor of the State of Idaho did cause an Ad Hoc Task Force to define the alternatives available to the Governor in the designation of health service areas in the State of Idaho; and

WHEREAS, in the discharge of its responsibilities, the Governor of the State of Idaho directed the Ad Hoc Task Force to conduct public hearings throughout the State to solicit and receive statements and opinions of the public at large; and

WHEREAS, members of the Ad Hoc Task Force and the public at large expressed the need for efficiency, effectiveness, productivity, and a lack of duplication in health planning in the State of Idaho; and

WHEREAS, a significant majority of the public at large have clearly stated the desire to preserve, strengthen, and guarantee effective and decisive local input in health planning in the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by authority vested in me by law, do hereby continue the six (6) health service subareas within the State of Idaho, the boundaries of which shall be as follows:

Region I	----	Boundary, Bonner, Kootenai, Benewah and Shoshone Counties (Panhandle Region)
Region II	----	Latah, Clearwater, Nez Perce, Lewis and Idaho Counties (Clearwater Region)
Region III	----	Adams, Valley, Washington, Payette, Gem, Canyon, Boise, Ada, Elmore and Owyhee Counties (Southwest Region)
Region IV	----	Camas, Blaine, Gooding, Lincoln, Jerome, Minidoka, Twin Falls and Cassia Counties (Magic

Valley Region)

Region V ---- Bingham, Power, Bannock, Oneida, Franklin, Caribou and Bear Lake Counties (Southeast Region)

Region VI ---- Lemhi, Custer, Butte, Clark, Jefferson, Fremont, Madison, Teton and Bonneville Counties (Eastern Region)

FURTHER, for the purposes of the National Health Planning and Resources Development Act of 1974, As Amended, the six (6) health service subareas continued by this Executive Order shall collectively constitute the health service area for the State of Idaho.

It is the explicit intent of this Executive Order to promote efficiency and to prevent duplication in health planning in the State of Idaho, but only in such a manner as to guarantee and actively promote decisive local input in the health planning process.

For that reason, I do further direct the continuation of six (6) subarea health councils, one in each of the six (6) health service subareas within the State. The membership of these councils shall conform with the requirements of the National Health Planning Development Act of 1974, As Amended, and shall be appointed only after consultation with the chief elected official of each local political subdivision within the boundaries of the respective health service subareas.

In order to protect and promote effective local input in health service planning within the State of Idaho, I do further direct that the Health Systems Agency established within the State of Idaho for the purposes of the National Health Planning and Resources Development Act of 1974, As Amended, shall be composed of eighteen (18) members, comprised of three members each from the six (60) subarea councils, plus appropriate representation from the Standard Metropolitan Statistical Area and appropriate state and federal officials.

In order to assist in the prompt and orderly continuation of the provisions of this Executive Order, I do hereby designate the State Department of Health and Welfare as the State Health Planning and Development Agency pursuant to the National Health Planning and Resources Development Act of 1974, As Amended.

This Executive Order repeals and replaces Executive Order No. 83-11.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of June, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred ninth, and of the Statehood of Idaho the ninety-fifth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-15

ASSIGNMENT OF DUTIES TO THE LIEUTENANT GOVERNOR, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-2.

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.

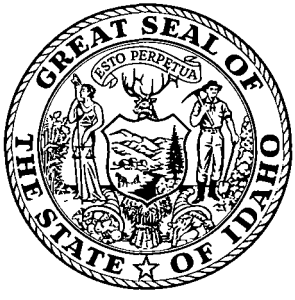
II. Economic Development

A. Serve as principal liaison for Idaho to the U.S. Department of Commerce District Export Council for Idaho. The Department of Commerce 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.

This Executive Order repeals and replaces Executive Order No. 83-2.



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 July, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-16

STATE OF IDAHO COMPREHENSIVE SAFETY AND LOSS CONTROL POLICY

WHEREAS, it is in the best interest of state employees, the gen-

eral public and efficient operation of state government to have a commitment to safety and loss control; and

WHEREAS, the State of Idaho endeavors to provide a safe and healthy working environment for state employees and to protect the public and public property from injury or damage; and

WHEREAS, an effective Safety and Loss Control Policy provides additional benefits of improved productivity, employee confidence, lower insurance costs and improved worker morale; and

WHEREAS, an effective Safety and Loss Control Policy requires full management commitment, cooperation and leadership at all levels of state government;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me under the Constitution and Laws of this state, do hereby order as follows:

1. Each Department Director or other appointing authority will develop, maintain, and monitor a systematic program of safety and loss control for each agency that will minimize the risk of injury or damage to: (a) the public employee; (b) the general public; (c) state property; (d) the ability of the agency to fulfill its mission; and (e) the environment.
2. Each Department Director or other appointing authority will ensure that, where applicable, potential new state employees are appropriately screened; that new employees are systematically and fully trained for all equipment that they are expected to operate; that safe work practices are followed by all employees on the job; that all equipment used is properly maintained and used for its intended purpose; that proper personal protective equipment is worn when needed; and that safety practices are a criterion in employee and supervisor performance evaluations in those positions where such is applicable.
3. Each Department Director or other appointing authority will assume responsibility for reviewing loss reports and accidents involving bodily injury, or property or environmental damage, and to take corrective action to avoid future loss. Where appropriate, assistance from the agencies listed below should be requested to develop and implement appropriate corrective or preventive measures. Each Department Director or other appointing authority may delegate the authority to perform these duties to a safety officer or committee but shall remain responsible for the performance of the agency's safety and loss control program.
4. State buildings being constructed or remodeled shall conform to all existing state codes, including but not restricted to, the Idaho General Safety and Health Standards Code No. 1, the Uniform Building Code, the Uniform Mechanical Code and the Uniform Fire Code. If any conflict arises between applicable codes, the more stringent code shall take precedence. Prior to construction or remodeling of buildings, where appropriate, construction plans shall be reviewed and approved by the Department of Labor and Industrial Services and the Permanent Building Fund Advisory Council.

5. The following agencies shall assist state agencies by offering the following services:
   a. Department of Labor and Industrial Services shall inspect public buildings and places of employment, and enforce safety and sanitary conditions and practices.
   b. The Office of the State Fire Marshal shall, through the local fire authorities, inspect public buildings, and enforce fire and life safety provisions as contained within the Uniform Fire Code.
   c. The State Insurance Fund shall assist in developing employee safety programs, through consultation with staff agency personnel, and provide detailed reports to agencies on their losses insured through the State Insurance Fund.
   d. The Department of Administration, Bureau of Risk Management, shall assist agencies in obtaining other requested services in safety and/or loss control not mentioned above, including general property and casualty loss control, and provide detailed reports to agencies on their losses insured through the Bureau of Risk Management.
6. A Statewide Safety Committee is hereby created which shall be comprised of the Director of the Department of Labor and Industrial Services, the Manager of the State Insurance Fund, the State Fire Marshal, the Director of the Department of Administration (who shall serve as Chairman of the Committee), or their designees, and other state agencies as deemed necessary. The purpose of the Committee shall be to:
   a. Develop strategies and standards to assist agencies with their safety programs;
   b. Review statewide trends in losses and exposures and make cost-effective recommendations;
   c. Coordinate the services available to maximize efficiency and reduce unnecessary duplication of inspections;
   d. On behalf of the Governor, review the safety and loss control programs of selected agencies and recommend changes to improve the effectiveness of the programs;
   e. Make recommendations to the Governor and Legislature on improving safety and loss control for state government; and
   f. Perform other related duties as may be requested 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, on the twelfth day of August, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-17

SETTING FORTH A CODE OF ETHICAL CONDUCT FOR EMPLOYEES OF THE EXECUTIVE DEPARTMENT OF IDAHO STATE GOVERNMENT

GENERAL PURPOSE

This Executive Order is issued to insure high standards of conduct among state employees and to strengthen the faith and confidence of the people of Idaho in the integrity of state government and state employees. This Executive Order sets forth a code of conduct for state employees and restates existing Idaho law governing employee conduct in areas where there are actual or potential ethical concerns between their public duties and their private interests. Unless the context indicates otherwise, "state employee(s)" shall have the broadest meaning possible within the Executive Department of Idaho state government consistent with Idaho law, and "person" shall include an association, corporation or governmental entity.

It shall be a paramount concern of state employees that they engage in no conduct which might reasonably be interpreted by the people of Idaho as tending to influence or adversely affect the performance of their official duties.

GRATUITIES AND OTHER BENEFITS

State employees shall never solicit in their official capacity any gratuity or other benefit from any person under any circumstances. State employees shall not accept gratuities or other benefits exceeding a total retail value of $100 within a calendar year from any person who is subject to their legal jurisdiction or who is likely to become interested in any contract or transaction over which they exercise any discretionary function. State employees are not precluded from accepting from time to time food or beverages consumed at the time and place of receipt from any person with whom they deal in their official capacity, subject to the limitation of $100 retail value within a calendar year. These rules apply irrespective of kinship or other relationship with the donor outside of the official status of the state employee, and irrespective of the existence of legal consideration for or legal entitlement to the gratuity or other benefit. It is not material that the acceptance of any gratuity or other benefit contrary to this Executive Order is not prejudicial to official impartiality in fact.

Nothing herein is intended to prevent appointing authorities from approving participation by their employees in bonafide training or educational programs provided by public or private entities.

State employees shall not accept transportation or lodging from any person who is subject to their jurisdiction or who is or is likely to become interested in any contract or transaction over which they

exercise any discretionary function. It shall be the general policy that reimbursable expenses for transportation and lodging of state employees shall be paid by the State of Idaho rather than by another person. This rule does not apply under circumstances where state employees do not have reasonable access to public services or accommodations, when the acceptance of an offer of transportation makes an economical and efficient use of time or transportation and any benefit conferred is trivial or otherwise consistent with the general purpose of this Executive Order.

All state employees exercising any discretionary function shall make a conscious effort to be open to contact by all segments of Idaho society that have an interest in the exercise of that discretionary function. State employees exercising any discretionary function shall not associate with any one person who has or may have an interest in the exercise of that discretionary function to such an extent as would reasonably be interpreted by the people of Idaho as tending to influence or adversely affect the performance of their official duties.

Honorariums shall not be accepted by state employees from Idaho citizens, associations, corporations or governmental entities for appearances or services given in the course of their official duties.

CONFLICTS OF INTEREST

State employees shall not profit, directly or indirectly, from public funds under their control. State employees shall not have a private interest in any contract or grant made by them in their official capacity. State employees must avoid self-dealing in any purchase or sale made in their official capacity. Any state employee having a private interest in any discretionary matter coming before him in the course of his official duties, whether the matter be regulatory, adjudicative, contractual, or the formation of public policy, shall not act but shall withdraw himself.

State employees shall not refer to themselves any business or client where the origin of the relationship arises in their official capacity.

No state employee shall appoint or otherwise employ for compensation payable from public funds any person related by blood or marriage to within the second degree.

OUTSIDE EMPLOYMENT AND EXTRA COMPENSATION

Heads of executive departments; members of the Tax Commission, the Industrial Commission, and the Public Utilities Commission, the Executive Director of the State Board of Education, and the Director of the Executive Office of the Governor shall not hold any other public office or public employment for which compensation is received. Nor shall any state employee serve as a director, officer or employee of any profit-making corporation or institution without disclosure to and approval by their appointing authority. Such approval shall be granted only if such activity will not adversely affect the performance of the employee's official duties, nor create an appearance of impropriety.

State employees may occupy offices or positions in non-profit organizations outside state government service to the extent that it does not interfere with the performance of their official duties in an efficient, mentally- and physically-alert manner.

Except as otherwise prohibited by law, all state employees includ-

ing those identified above, may own stock in a public or private corporation, be a trustee to a trust, be a personal representative to an estate, serve as a part-time member of the military reserves or the National Guard and serve upon a jury.

All state employees receiving fixed compensation are not to be paid for any extra service performed in the ordinary course of their employment, except for overtime compensation as provided by law, employment in any state educational program as provided in Section 59-512, Idaho Code, or other circumstances expressly authorized by law.

POLITICAL ACTIVITIES

As provided by Section 67-5311, Idaho Code, and an Idaho Personnel Commission directive dated August 9, 1976, state employees shall not command political contributions from other state employees. State employees subject to the state personnel system (hereinafter "classified employees") shall not use their official authority or influence to bring about any nomination or election to public office. Classified employees shall not take an active part in the management of any political organization. Classified employees shall not seek election to a partisan public office. All state employees may vote and express their personal opinion on political issues and candidates and take an active part in support of a candidate in partisan or nonpartisan elections. All state employees may be members of a political party or organization, participate in its activities, serve as an elected convention delegate and voluntarily contribute to political parties or candidates. Classified employees shall avoid participation in public affairs in a manner which would materially compromise their neutrality, efficiency or integrity in the performance of their official duties.

ADMINISTRATION

Department heads and boards and commissions within the Executive Department of the State of Idaho may establish particular codes of employee conduct to supplement the general code of conduct provided under Idaho law and this Executive Order. Nothing in this Executive Order is intended to preclude more strict provisions of conduct than are required under this Executive Order, except as precluded by Idaho Law.

Questions or disputes regarding the conduct of state employees under this Executive Order and Idaho law shall be directed to the appropriate appointing authority who may seek legal counsel from the Attorney General.

State employees who have questions regarding their conduct that are not specifically addressed in this Executive Order or who need more direction than is included herein should consult their appointing authorities. State employees who are presently engaged in a course of conduct addressed herein are directed to review that conduct in light of this Executive Order.

Violation of this Executive Order may lead to dismissal, suspension, demotion or other personnel action. In addition, state employees whose conduct violates Idaho law whether or not restated in this Executive Order are subject to the penalties provided under Idaho law.

DISTRIBUTION

Appointing authorities shall bring this Executive Order to the attention of state employees now or hereafter under their supervision.

It is the duty of state employees to familiarize themselves with the code of conduct contained in this Executive Order and to reflect upon their own conduct.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the thirteenth day of August, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-18

REASSIGNMENT OF THE IDAHO COUNCIL ON DOMESTIC VIOLENCE

WHEREAS: The Idaho Council on Domestic Violence is the advisory body for programs and services affecting victims of domestic violence; and

WHEREAS: Federal funding for victim assistance programs through the U.S. Department of Justice under the Victims of Crime Act and the Justice Assistance Act will be administered in Idaho by the Council and the department of Law Enforcement respectively; and

WHEREAS: The Council, the Department of Health and Welfare, and the Department of Law Enforcement have each recommended that the Council be re-assigned from the Department of Health and Welfare to the Department of Law Enforcement;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Sections 39-5203 and 67-802, Idaho Code, do hereby order as follows:

1. The Idaho Council on Domestic Violence established by Chapter 52 of Title 39, Idaho Code, shall be transferred from the Department of Health and Welfare to the Department of Law Enforcement.
2. The council is authorized to accept, receipt for, disburse and expend federal moneys, made available to accomplish in whole or in part any of the purposes of the laws or orders enforced or administered by the council. All moneys accepted

under this subsection shall be accepted and expended by the council upon such terms and conditions as prescribed by the United States. All moneys received pursuant to this subsection shall be deposited in the state treasury and, unless otherwise prescribed by the authority from which said moneys were received, shall be kept in the domestic violence project account.

3. Savings Provisions. (1) The rights or privileges under the public employees retirement system (Chapter 13, Title 59, Idaho Code), the group insurance plan (Chapter 12, Chapter 59, Idaho Code), or the personnel system (Chapter 53, Title 67, Idaho Code) of any employee transferred to the Department of Law Enforcement under this Executive Order shall not be affected by this transfer.

(2) All orders, regulations, contracts, and licenses which have been issued in the performance of functions which are transferred by this Executive Order, and which are in effect at the time this Executive Order takes effect, shall continue in effect according to their terms until modified or terminated.

(3) The provisions of this Executive Order shall not affect any proceedings or any application for financial assistance pending at the time this Executive Order takes effect. Orders, appeals, and payments shall be continued as if this Executive Order had not been issued.

(4) No cause of action, suit, or other proceedings commenced by or against any officer in his official capacity as an officer of the Idaho Council on Domestic Violence shall abate by reason of the issuance of this Executive Order.

(5) All appropriations, grants, and other money available to the Idaho Council on Domestic Violence are hereby transferred to the Department of Law Enforcement and shall remain available for the objectives and purposes for which appropriated, subject to any terms or limitation imposed by federal or state law.

(6) All files, books, papers, records, equipment and other property of the Idaho Council on Domestic Violence are transferred to the Department of Law Enforcement.

(7) Whenever the Department of Health and Welfare or the Director thereof is referred to in any law, rule, regulation, order, contract, document, judicial or administrative proceedings, or otherwise in relation to the Council on Domestic Violence, the same shall be considered to mean the Department or the Director of the Department of Law Enforcement.

4. EFFECTIVE DATE: This Order shall be in full force and effect on and after the 11th day of August, 1985.

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-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-19

EMPLOYEE ORGANIZATIONS AND THE STATE SERVICE
REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-13

WHEREAS, the public interest requires high standards of performance and morale among employees of the State of Idaho; and

WHEREAS, the well-being of employees and efficient administration of government are benefitted by providing employees an opportunity to participate in employee organizations which advance their interest; and

WHEREAS, the right of employees to associate in employee organizations of their choice is a fundamental human and constitutional right;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and Statutes of the State of Idaho, do hereby direct that the following policies shall govern officers and employees of the State of Idaho in dealings with employee organizations.

Section 1. Each employee of the State of Idaho has the right, freely and without fear of penalty or reprisal, to form, join, and assist an employee organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right. The head of each agency shall take the action required to assure that employees in the agency are apprised of their rights under this section and that no interference, restraint, coercion, or discrimination is practiced within the agency to encourage or discourage membership in an employee organization.

Section 2. Employee organizations have the right of reasonable access to places where state employees work, including the use of bulletin boards and meeting spaces, as long as such access does not interfere with the efficient administration of government.

This Executive Order repeals and replaces Executive Order No. 83-13.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the thirtieth day

of August, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-20

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, I have determined that the reduction of allotments provided herein for the elective officers in the executive department will not prohibit the discharge of the constitutional duties of such elective offices,

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me 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:

Governor's Office	$ 17,800
Emergency Fund	3,800
Division of Financial Management	23,700
Endowment Fund Investment Board	4,600
Office on Aging	21,100
Commission on Human Rights	4,900
Commission for the Blind	16,300
Military Division	39,400
Swan Falls Adjudication	17,500
Department of Commerce	8,800
Department of Administration	48,400
Capital Budget	50,000
Department of Revenue & Taxation	328,800
Department of Labor	11,600
Department of Agriculture	34,500
Self Governing Agencies	800
Department of Corrections	373,200
Department of Law Enforcement	135,200

State Board of Education	10,974,300
Department of Health & Welfare	1,786,700
Public Health Districts	58,200
Department of Parks & Recreation	52,400
Department of Lands	137,000
Department of Water Resources	85,000
Lt. Governor	1,600
Attorney General	39,300
State Treasurer	11,600
State Auditor	54,400
Secretary of State	22,700
Public Utilities Commission	3,400
TOTAL	$ 14,367,000

2. Agencies should submit allotment reductions and statements which explain the impact of making these reductions permanent to the Division of Financial Management by October 15, 1985.

3. Officers of the Legislative and Judicial branches of government are requested to reduce General Account expenditures for FY 1986 to the extent possible without impairing the discharge of their constitutional duties.

This order shall take effect immediately upon its execution and shall continue in effect until January 31, 1986, 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 tenth day of September, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-21

DISABILITY DETERMINATIONS UNIT CONTINUED IN THE EXECUTIVE OFFICE OF THE GOVERNOR -- REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-15

WHEREAS, the Disability Determinations Unit was established as a unit of state government within the Executive Office of the Governor on April 12, 1979; and

WHEREAS, there continues to be a need for the important services provided by the Disability Determinations Unit;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me under the Constitution and Laws of the State of Idaho, do hereby order that the Disability Determinations Unit is hereby continued in the Executive Office of the Governor.

This Executive Order repeals and replaces Executive Order No. 83-15.

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 sixteenth day of September, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-22

THE GOVERNOR'S TASK FORCE ON IDAHOANS OUTDOORS

WHEREAS, in 1962 a Commission of distinguished Americans chaired by Lawrence Rockefeller suggested a comprehensive way of looking at what Americans want to do outdoors and how to find appropriate places for them to do it; and

WHEREAS, the U.S. Congress adopted the Commission's most important recommendations, creating the Wilderness Act, the Wild and Scenic Rivers Act, the Bureau of Outdoor Recreation, and the Land and Water Conservation Fund;and

WHEREAS, since that time the lifestyles of Americans and of Idahoans have changed dramatically, including the characteristics of urban residents, family and child rearing responsibilities, increased competition for natural resources, shifting patterns of government functions, and new travel and vacation patterns; and

WHEREAS, the President of the United States, recognizing these changes, is appointing a President's Commission on Americans Outdoors to recommend to him what Americans will want to do outdoors in the future; and

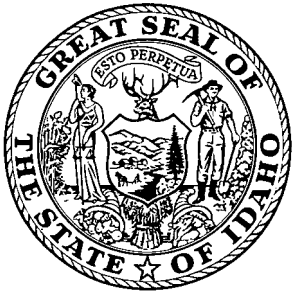
WHEREAS, state, local and private agencies will meet more of Idahoan's outdoor recreation needs, and state governments will have a vital role implementing any recommendations made by the Presidential Commission;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me, do hereby order as follows:

1. There is hereby established a Governor's Task Force on

Idahoans Outdoors.

2. The Task Force members shall be appointed by the Governor from among the following groups: the Legislature, federal, state and local governmental officials; the private sector; outdoor user groups; and others concerned with the activities of Idahoans outdoors. The Governor shall designate a chairman from among the members of the Task Force.
3. The responsibility of the Task Force is to look ahead to the next generation and answer the following questions:
   a. During the next generation, what will Idahoans want to do outdoors?
   b. What is the supply of appropriate places for outdoor recreational opportunities?
   c. How do environmental and other concerns affect the demand for and supply of outdoor recreation opportunities?
   d. What are future sources of revenue that can pay for providing outdoor opportunities?
   e. What are the new and innovative ways to manage current outdoor opportunities?
5. The Task Force shall be attached administratively to the Department of Parks and Recreation. Members shall serve without compensation for their work on the Task Force. Members appointed from among private citizens of the state may be reimbursed for travel and other necessary expenses. The Director of the Department of Parks and Recreation shall provide the Task Force with such administrative services, staff and other support services as may be deemed necessary for the effective performance of its functions.
6. All state agencies and institutions shall assist and cooperate with the Task Force in carrying out its responsibilities under this Order.
7. The Task Force shall submit a report and recommendations to the Governor and to the President's Commission on Americans Outdoors not later than May 31, 1986.



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 third day of October, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-23

VOTER REGISTRATION SERVICES IN STATE AGENCIES

WHEREAS, voting is a fundamental right and responsibility of every U.S. citizen; and

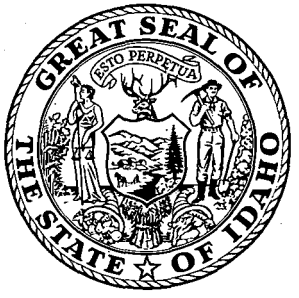
WHEREAS, voter registration should be encouraged by governmental entities at all levels; and

WHEREAS, State agencies across the state conduct a variety of programs where employees of state government come into contact with thousands of citizens eligible to vote if they become registered, and

WHEREAS, voter registration should be among the most accessible services provided by government to each citizen;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me under the constitution and laws of this State do hereby order as follows:

1. All state agencies which have regular contact with the public in the daily administration of their business shall work with the appropriate county clerk or clerks to make voter registration services available to the public on a non-partisan basis in the offices of such agencies, either by deputization of agency personnel as at-large registrars or through other means deemed appropriate by each County Clerk.
2. A Task Force on Voter Registration Accessibility is hereby established. The Secretary of State or his designee will chair the Task Force, and the Chairman of the Idaho Association of County Clerks or his designee will serve as Vice-Chairman. Other Task Force members to be appointed by the Governor will include representatives of: major state agencies impacted by this Order, local government officials and the public. The Task Force will:
   a. Identify appropriate state agencies to participate in voter registrationprojects;
   b. Advise such agencies on ways and means to accomplish the objectives of this order;
   c. Encourage other governmental entities to make voter registration services available to the public in conjunction with such services as motor vehicle operator licensing and registration, and enrollments in higher education or vocational education programs.



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 third day of October, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-24

CONTINUATION OF THE IDAHO COUNCIL FOR PURCHASES FROM SEVERELY DISABLED PEOPLE

WHEREAS, it is in the public interest to promote employment opportunities for severely disabled people; and

WHEREAS, the rehabilitation facilities of Idaho strive to provide employment opportunities for severely disabled people; and

WHEREAS, the Idaho Code provides for the purchase of goods and services by the agencies of the State of Idaho which are produced by severely disabled people employed by rehabilitation facilities;

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 Idaho Council for Purchases from Severely Disabled People.

The Council's responsibilities will continue to be:

1. To promote the purchase by state agencies of goods and services produced by severely disabled people in rehabilitation facilities under the auspices of Section 67-2319, Idaho Code;
2. To conduct monitoring and study of the implementation of the purchasing program authorized by said Section 67-2319;
3. To designate a central non-profit organization to coordinate the participation of rehabilitation facilities in the Idaho purchasing program and develop procedures for such participation;
4. To advise the Division of Purchasing on the development and operation of a program to purchase products and services from severely disabled people in rehabilitation facilities; and
5. To provide an annual report of activities, products, services, employment opportunities, and other benefits derived from this program.

The Governor shall appoint the Council Chairperson and members of the Council who shall serve at the pleasure of the Governor. Council members shall be selected from rehabilitation facilities, the Division of Purchasing, the private sector, a labor organization, the Division of Vocational Rehabilitation, and the Division of Community Rehabilitation.

The Council shall be administratively supported by the Division of Vocational Rehabilitation.

This Executive Order repeals and replaces Executive Order No. 83-14.

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 third day of

October, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

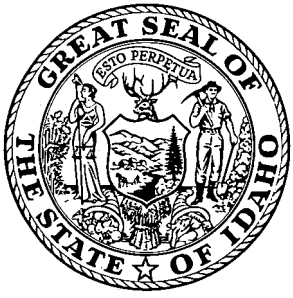
EXECUTIVE ORDER NO. 85-25

CONTINUATION OF THE PROHIBITION OF THE USE OF STATE FUNDS TO PAY FOR PROFESSIONAL DUES, FEES AND MEMBERSHIPS IN PROFESSIONAL ASSOCIATIONS --REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-16

WHEREAS, recognizing that there is need or a uniform state policy in regard to the payment of professional dues, fees and memberships for state employees, I find it is essential to continue the policy for all state employees in the Executive Department which was initiated through Executive Order No. 81-11.

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby proclaim the following policy to be continued:

No state money shall be used to pay for any kind of professional, occupational or trade license, certificate, permit or occupational registration for any state employee or officer; nor shall any state monies be used to pay for any kind of dues to any professional, occupational or trade association in which membership is restricted to persons who are licensed, certified or registered under Idaho law. This policy does not preclude the state or state departments from paying dues to organizations relating to their responsibilities in state government.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the third day of October, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-26
ESTABLISHMENT OF THE GOVERNOR'S COMMISSION ON ALCOHOL AWARENESS AND TRAINING

WHEREAS, the Governor's Commission on Alcohol Awareness and Training, was created in December, 1983, to review existing education, training and rehabilitation programs in the alcohol abuse field, and to assist in the coordination of these programs and to make recommendations for the implementation of programs where needed; and

WHEREAS, the Department of Law Enforcement, the Alcohol Awareness Commission members and the citizens of Idaho recognize the need for a concerted and sustained effort to develop, support and maintain a comprehensive coordinated program for the recognition, prevention and treatment of alcohol abuse and dependency; and

WHEREAS, the continuation and enhancement of alcohol intervention and treatment programs is in the best interest of all Idahoans.

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Article IV of the Idaho Constitution and Section 67-802, Idaho Code, do hereby establish the Governor's Commission on Alcohol Awareness and Training within the Department of Law Enforcement. The Commission shall consist of a chairman and such members as may be appointed by the Governor. The commission shall have an Advisory Board comprised of such members as appointed by the Governor. Commission and Advisory Board members shall serve at the pleasure of the Governor for terms of three years.

The Commission shall:

1. Work to reduce the adverse social and health consequences of alcohol abuse through education, training and public awareness;
2. Encourage public and private sector cooperation and coordination on the state and local level, thereby assisting in the elimination of fragmented and duplicative services.
3. Apply for, accept, receive and disperse federal, state or private moneys made available to accomplish, in whole or in part, any of the purposes of the Commission.
4. Present to the Governor on July 15, of each year, a report on Commission's achievements and impact on alcohol abuse programs.

Commission members shall serve without compensation, but may be reimbursed for related travel and expenses. Advisory Board members shall serve without any compensation or reimbursement. Additional support will be provided by the Department of Law Enforcement where necessary.

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 October, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of

America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-27

ASSIGNMENT OF DISASTER/EMERGENCY MITIGATION, PREPAREDNESS, RESPONSE AND RECOVERY FUNCTIONS TO STATE AGENCIES FOR NATURAL, MAN-MADE, AND ENEMY ATTACK DISASTERS

WHEREAS, widespread disaster resulting from floods, fires, storms, earthquakes, hazardous materials, tornadoes, landslides, mudslides, drought, explosion, riot, hostile military actions, or other catastrophe is an ever present possibility in this State; and

WHEREAS, Chapter 10, Title 46 of the Idaho Code requires the protection of lives and property of the residents of the State in any type of natural or man-made disaster, enemy attack, sabotage or other emergency that might conceivably confront the State; and

WHEREAS, it is the duty of all State officials to assume active leadership in disaster mitigation, preparedness, response, and recovery operations, and

WHEREAS, the Legislature has directed the development of such State disaster mitigation, preparedness, response, and recovery plans; and

WHEREAS, effective State mitigation, preparedness, response, and recovery planning requires the identification of functions that would have to be performed during such emergencies, the assignment of responsibility for performance of these functions, the assignment of responsibility for developing the capability to implement these plans;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the powers and authority vested in me by the Constitution and laws of this State, and in accordance with the provisions of Section 46-601 of the Idaho Code, do hereby assign emergency mitigation, preparedness, response, and recovery functions to the various agencies. Each department and agency with essential functions, whether expressly identified in the Order or not, shall:

I. GENERAL ASSIGNMENTS/COORDINATING INSTRUCTIONS

A. Develop and maintain disaster/emergency operations plans to carry out effectively the agency's disaster/emergency functions, including assignment of disaster/emergency duties to all subdivisions and personnel. Plans shall be kept current and a copy placed on file in the office of the Bureau of Disaster Services.

B. Appoint a disaster coordinator and furnish that name to the Bureau of Disaster Services.

C. When a major disaster or an emergency requires the activation of the State Emergency Operations Center, the agency head or representative will be directed to report to that facility to serve as a member of the Governor's staff. The representative will provide continuing liaison with the Governor and other agencies and establish immediate contact with the Bureau of Disaster Services.

D. Make resources and facilities available for essential emergency use.

E. Provide coordination and support during disaster or emergency operations as required by the State of Idaho Emergency Plan.

F. Grant and/or use waivers in accordance with the applicable provisions of the Idaho Code for necessary response to and recovery operations from a disaster/emergency.

G. Provide for training of personnel in appropriate disaster mitigation, preparedness, response, and recovery functions.

H. Provide full cooperation and necessary support to those agencies that are assigned specific lead roles in disaster mitigation, preparedness, response and/or recovery activities.

I. Provide a Hazard Mitigation Coordinator and/or Hazard Mitigation team members following a Presidential Declaration, when required.

J. Be prepared to provide the State's Hazard Mitigation Coordinator as required in the FEMA-State agreement resulting from a Presidential Declaration.

K. Record and report expenditures of response and recovery activities in an emergency/disaster. Expenditures will include costs for staff time, travel, major supplies or equipment and any other costs which are a direct result of emergency activities.

L. Provide supporting data for federal assistance applications when requested by the Bureau of Disaster Services.

II. SPECIFIC ASSIGNMENTS

A. OFFICE OF THE ATTORNEY GENERAL

1. Provide legal advice and assistance to all executive officers of State government and to all offices or agencies of the State upon any question of law relating to their respective functions.

2. Provide consumer protection advice and assistance in response and recovery phases of a disaster.

3. Provide staff assistance, if available, to the Highway District Engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

B. MILITARY DIVISION (Office of the Adjutant General)

1. Provide executive supervision and policy guidance to the Bureau of Disaster Services.

2. Coordinate the activities of all State agencies on behalf of the Governor. (Section 46-1006, Idaho Code).

3. Provide military support and advise and make recommendations to civil authorities on the employment of military forces during a disaster/emergency in accordance with Federal and State laws and regulations.
4. Provide specific guidance as required for emergency preparedness planning and programming for State military forces.
5. Order into active service of the State, the National Guard or any part thereof as directed by the Governor in the event a state of extreme emergency has been declared. (Section 46-601, Idaho Code).
6. Establish a statewide military emergency communications system. During emergencies, maintain communications between the State Emergency Operations Center and State military headquarters. Develop a capability for utilization of radio communications between the State military forces, State highway districts, and civil law enforcement agencies. Provide a mobile communications center for joint military/civil use as required at the scene of operations during emergencies.
7. Through the Coordinator, Bureau of Disaster Services:

a. Coordinate and integrate all State hazard mitigation, preparedness, response and recovery efforts in natural, man-made and enemy caused disasters.

b. Coordinate response, recovery, and mitigation operations of all State agencies during a natural, man-made or enemy-caused disaster.

c. Establish and maintain an Emergency Operations Center for controlling and directing emergency operations.

d. Assist local officials in the development of plans for the search, rescue, and care and treatment of injured persons who are lost, entrapped, victimized or threatened by a disaster.

e. Develop and coordinate the preparation and implementation of plans and programs for emergency mitigation, preparedness, response, and recovery which are consistent with national plans and programs.

f. Provide for mutual support betweeen the State government and federal agencies.

g. Assist local governments in the development of their emergency disaster preparedness planning.

h. Coordinate all requests from local governments for disaster assistance.

i. Administer Federal programs of disaster planning and assistance pertinent to State and local governments.

j. Coordinate use of communications and warning systems in the State Emergency Communications Cen-

ter.

k. Provide for annual testing of the State Emergency Plan and training of State agency personnel for damage assessment, damage survey and radiological monitoring.

C. DEPARTMENT OF ADMINISTRATION

1. Through the Administrator, Division of General Services;

a. Promote and develop seismic safety in buildings and structures, (structural and non-structural) in association with the Departments of Education and Labor and Industrial Services.

b. Maintain liaison with the communications media, i.e., radio and television and State agencies for improving and maintaining warning and emergency communications systems.

c. Assist in the development of plans for use of all nonmilitary communications and warning systems within the State during an emergency.

d. Assist other State and local agencies in procuring communications and warning equipment required to fulfill emergency responsibilities.

e. Prepare communication and warning studies to improve emergency communications.

2. Through the Administrator, Division of Public Works:

a. Provide personnel for damage assessment and damage survey teams.

b. Provide assistance to State and local health authorities with emergency sanitation problems.

c. Assist in planning for emergency use of public lands, hospitals, institutions and other buildings.

d. Supervise and coordinate the securing of construction equipment and personnel as pertains to essential facilities and housing.

3. Provide administrative and logistical support services.

4. Provide contractual assistance and guidance to local governments.

5. Be responsible to the Bureau of Disaster Services for the administrative direction and support and security of the Capitol Mall Complex.

6. Provide security for the State Emergency Operations Center and the alternate State Emergency Operations Center.

D. DEPARTMENT OF AGRICULTURE

1. Act as the responsible agency for mitigation, preparedness, response and recovery efforts in agricultural losses.

2. Act as responsible agency for securing information concerning crop losses during disaster/emergencies.

3. Coordinate with local officials for the evacuation

of domestic livestock, animals, and pets, and the establishment of evacuation reception area for appropriate animal care.

4. Coordinate feeding requirements and care arrangements for livestock and other animals.

5. Coordinate dead animal removal.

6. Provide personnel as requested to assist in radiological monitoring.

7. Coordinate with the Department of Health and Welfare in the control of pesticides.

8. Provide technical assistance concerning livestock health, disease control, and preventive medicine.

9. Coordinate with appropriate agencies in the distribution of medical supplies for livestock, other animals, and pets.

10. Provide for emergency management and operation of the food resource control group.

11. Provide staff assistance to the Highway District Engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

12. Assist with the mitigation, preparedness and response of toxic/hazardous substances used in agriculture in association with the Public Utilities Commission and the Departments of Insurance, Health and Welfare, Law Enforcement, Transportation and Water Resources.

13. Inspect all livestock feed to ensure its safety for livestock consumptions.

E. STATE AUDITOR

1. Perform the required audits following natural or man-made disaster and emergencies.

2. Provide inventory of State employees to the Bureau of Disaster Services when the State Emergency Operations Center is activated during an impending or actual nuclear attack.

3. Initiate the warrant payment process in order to fulfill fiscal obligations resulting from goods and services supplied State agencies during the execution of emergency actions.

F. DEPARTMENT OF COMMERCE

1. Act as the responsible agency for mitigation, preparedness, response and recovery efforts in economic injury/loss.

2. Be prepared to develop a current inventory of Idaho industries at the onset of a disaster emergency in coordination with the State Occupation Coordination Committee.

3. Provide public information assistance.

4. Provide an economic impact analysis of the effects of disaster or emergencies with the support of the Public Utilities Commission, the Division of Financial Management and the Departments of Agriculture, Employ-

ment, Health and Welfare, Labor and Industial Services, Revenue and Taxation and Transportation.

5. Provide assistance to local units of government to restore local governmental functions.

6. Provide assistance and coordination to local units of government in obtaining assistance from other governmental entities.

G. STATE BOARD OF EDUCATION

1. State Department of Education

a. Act as the responsible agency for developing and promoting an all hazard safety education program.

b. Investigate the development of a seismic safety program for the purpose of reducing the risk from structural and non-structural hazards in school facilities within available resources and with the support of the Departments of Administration and Labor and Industrial Services.

c. Provide guidance and coordinate plans for ensuring the safety of the school population in time of emergency.

d. Develop and coordinate plans with local school districts for use of buses for emergency transport.

e. Develop and coordinate plans for the utilization of school facilities for reception, shelter, mass feeding, and Disaster Assistance Centers during natural or man-made disasters.

f. Provide personnel to assist in the damage assessment of public school facilities.

2. The Office of the State Board of Education

a. Assist in coordinating activities for damage assessments and damage surveys for higher educational and area vocational-technical facilities.

b. Assist in coordinating the utilization of higher educational facilities for reception, shelter, mass feeding, and Disaster Assistance Centers during natural or man-made disasters, if required.

H. DEPARTMENT OF EMPLOYEMENT

1. Survey manpower resources and requirements.

2. Provide recruitment and utilization oı the labor force.

3. Identify areas and occupations of labor shortages and supply.

4. Provide unemployment insurance claims service for the disaster victims in the Disaster Assistance Centers.

5. Provide reemployment assistance to individuals unemployed as a result of a natural or man-made disaster.

I. DEPARTMENT OF FINANCE

Provide for operation of the economic stabilization control group, which includes money, credit and banking,

price and rent controls, and consumer rationing.

J. DEPARTMENT OF FISH AND GAME

1. Provide personnel to be used as auxiliary police during emergencies.

2. Assist in search and rescue operations.

3. Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods or actions to keep resulting environmental damage to a minimum.

4. Provide personnel for damage assessment and damage survey teams and radiological monitoring.

5. Provide emergency communications assistance.

K. DEPARTMENT OF HEALTH AND WELFARE

1. Develop a mitigation, preparedness and response system/program for toxic/hazardous substance releases within available resources.

2. Coordinate emergency welfare, medical, and health services throughout the State. Such responsibility includes the developing of general plans for public health and sanitation, emergency medical assistance, identification and mortuary services, mass care and feeding, food stamp distribution, crisis counseling, emergency social services, evacuation of sick and injured, use of hospitals and other medical facilities, protection from radiological, chemical, biological, and other hazardous materials, and environmental health and sanitation.

3. Responsible for assuring adequate supplies of potable water and coordinating with other appropiate State agencies for assistance.

4. Maintain and control the use of packaged disaster hospitals.

5. Responsible for general emergency planning, implementation, and direction of radiological emergency response operations activities in support of fixed nuclear facilities, nuclear waste incidents during transport, and other nuclear accidents.

6. Develop, implement and administer the State's Individual Family Grant program during a Presidential Declaration requiring individual assistance.

7. Provide damage assessment and survey team personnel for health and welfare related functional activities, systems and structures.

8. Responsible for the environmental impact analysis of proposed emergency operations and for the suggesting of alternative methods of actions to keep resulting environmental damage to a minimum.

9. Provide statewide emergency communications and coordination assistance for rescue, hazardous materials, public health and other emergency activities.

10. Provide food stamps and disaster welfare services and personnel for receptionists, registrars, and exit

interviewers in the Disaster Assistance Centers.

11. Develop an emergency organization for the coordination of disaster operations at the Regional level under the supervision of the Regional Services Manager.

12. Provide staff assistance to the Highway District Engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

13. Provide public information assistance.

L. DEPARTMENT OF INSURANCE

1. Develop mitigation, preparedness and response systems/programs for explosions and conflagrations within available resources and in association with the Office of the State Board of Education.

2. Provide insurance counseling services for the disaster victims in the Disaster Assistance Centers.

3. Prepare the insurance certifications that are required prior to receiving Federal disaster assistance.

4. Conduct an investigation as to the cause of a disaster when it pertains to fire or explosion.

5. Prepare preventative measures as a result of an investigation in the case of fire or explosion.

6. Help prepare a criminal case if a disaster is deliberately caused in the case of fire or explosion.

7. Assist with toxic/hazardous substance mitigation, preparedness and response in association with the Public Utilities Commission and the Departments of Agriculture, Health and Welfare, Law Enforcement, Transportation and Water Resources.

M. DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES

1. Develop and implement building codes and standards relating to snowloads, wind and seismic safety.

2. Provide inspectors for determining compliance with State Building Codes and Standards.

3. Provide personnel for damage assessment and damage survey teams.

4. Assist in promoting and developing seismic safety programs in association with the Departments of Administration and Education.

N. DEPARTMENT OF LANDS

1. Formulate and direct the State's mitigation, preparedness, response and recovery efforts in range/wildland fires.

2. Cooperate with Federal and local governments in developing plans for and directing activities relating to the prevention and control of fires in the rural areas of the State.

3. Designate a State Fire Coordinator for rural fire suppression.

4. Develop plans and direct activities for the emergency protection, management and utilization of land resources, and facilities under the State's jurisdic-

tion. Also, develop plans for the emergency protection and processing of forest products in cooperation with other Federal, State and private agencies.

5. Provide emergency communications assistance.

6. Assist in search and rescue operations.

7. Provide staff assistance to the Highway District Engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

O. DEPARTMENT OF LAW ENFORCEMENT

1. Develop and operate mitigation, preparedness and response systems/programs for civil disorder and terrorism.

2. Provide for the immediate safety and protection of personnel during the initial phase of the disaster; may include evacuation warning, scene protection, traffic control, etc.

3. Coordinate all requests for additional law enforcement personnel.

4. Operate a statewide emergency communication system which will be designated as the primary system during an emergency.

5. Operate the National Warning System (NAWAS) insofar as it relates to the State, until relieved by activation of the State Emergency Operations Center.

6. Develop, operate, and maintain a warning system for alerting State and local governments, with the assistance of the Bureau of Communications and the Bureau of Disaster Services.

7. Develop and implement plans for statewide emergency traffic control measures, to include evacuation.

8. Provide damage assessment and information on disaster incidents to the State Emergency Operations Center when activated.

9. Assist with toxic/hazardous substance release mitigation, preparedness and response in association with the Public Utilities Commission and the Departments of Agriculture, Health and Welfare, Insurance, Transportation and Water Resources.

10. Provide brand inspection personnel to determine ownership of animals.

11. Provide public information assistance.

12. Assist in search and rescue operations.

13. Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the District Lieutenant.

14. Provide for mobile radiological monitoring.

15. Provide staff assistance to the Highway District Engineer at district level when the emergency operations center is activated during an impending or actual nuclear attack.

P. DEPARTMENT OF PARKS AND RECREATION

1. Assist the Department of Lands in preventing and combating fires in rural areas.
2. Cooperate with the Department of Health and Welfare in providing appropriate departmental lands and facilities as mass care and feeding centers during emergencies.
3. Provide personnel for damage assessment and damage survey teams and radiological monitoring.
4. Assist in search and rescue operations.

Q. DEPARTMENT OF REVENUE AND TAXATION

Provide tax counseling services for the disaster victims in the Disaster Assistance Centers.

R. TRANSPORTATION DEPARTMENT

1. Develop and direct mitigation, preparedness, and response systems/programs for storms, avalanches, landslides, mudslides, and volcanic eruptions.
2. Develop an emergency organization for the coordination of disaster operations at the district level under the supervision of the District Engineer.
3. Provide personnel for damage assessment and damage survey teams and radiological monitoring.
4. Provide engineering services, repair and maintenance of state highways, bridges, airfields, and debris clearance.
5. Assist with toxic/hazardous substance release mitigation, preparedness and response in association with the Public Utilities Commission and the Departments of Agriculture, Health and Welfare, Insurance, Law Enforcement and Water Resources.
6. Provide for emergency highway traffic regulations.
7. Provide emergency management of resources pertaining to construction and transportation.
8. Coordinate aviation activities within the State, to include the requirement for restricted air space within the disaster area.
9. Provide aviation resources for evacuation, search and rescue operations, and aerial radiological monitoring.
10. Operate a statewide communications system which will be designated as an alternate during an emergency.
11. Provide public information assistance.
12. Coordinate the activation of "Plan Bulldozer."
13. Provide for emergency management of the construction and transportation resource control group.

S. DEPARTMENT OF WATER RESOURCES

1. Formulate and direct State's efforts in developing mitigation, preparedness and response systems/programs for flood, drought, and energy shortages within available resources.
2. Conduct dam safety inspections and supervise dam safety during times of flooding or imminent failure by coordinating regulation of releases or emergency mainte-

nance and repair to protect life and property. Advise Emergency Operations Center of impending emergency conditions, either as a result of imminent failure or of other conditions.

3. Coordinate operations of water control structures to minimize flood damage during impending or actual occurrence of a disaster.

4. Establish procedures to grant stream channel protection waivers to entities involved in emergency flood fight situations or when channel work is necessary on an emergency basis to protect life and property.

5. Assist agencies and individuals in obtaining emergency authorization from the Corps of Engineers, U.S. Army, under Public Law 92-500, to conduct flood control activities in waterways.

6. Provide trained personnel to recommend emergency actions before, during, and after flood emergencies.

7. Assist the Department of Health and Welfare in determining environmental impact of proposed emergency operations and suggest alternative methods of actions to keep resulting environmental damage to a minimum.

8. Provide personnel for damage assessment and damage survey teams.

9. Provide assistance in finding and obtaining alternative water supplies during drought emergencies.

10. Assist the Department of Health and Welfare in assuring adequate supplies of potable water.

11. Act as the State Coordinating Agency for the Flood Insurance Program.

12. Provide emergency communications assistance.

13. Provide for emergency management and operation of the water resource control group, when directed.

14. Provide public information assistance.

15. Assist with toxic/hazardous substance release, mitigation, preparedness and response in association with the Public Utilities Commission and the Departments of Agriculture, Health and Welfare, Insurance, Law Enforcement and Transportation.

T. PUBLIC UTILITIES COMMISSION

1. Provide the principal Public Information Officer during emergencies/disasters at the State Emergency Operations Center, when required.

2. Assist with energy shortages mitigation, preparedness and response in association with the Departments of Labor and Industrial Service and Water Resources.

3. Assist with toxic/hazardous substance releases, mitigation, preparedness and response in association with the Departments of Agriculture, Health and Welfare, Insurance, Law Enforcement, Transportation and Water Resources.

U. DIVISION OF FINANCIAL MANAGEMENT

Coordinate and develop a fiscal impact analysis of the effects of disaster/emergency when applying for a Presidential Declaration or when needed during a State declaration. This analysis is to be developed in coordination with the State Auditor, State Treasurer, the Legislative Budget Office, and the Department of Revenue and Taxation.

V. IDAHO GEOLOGICAL SURVEY

1. Formulate and direct the State's Geologic Hazard reduction effort by providing hazard identification and analysis and mapping of the geologic threats within available resources.
2. Provide geologic representative(s) to Damage Assessment and Damage Survey Team and Hazard Mitigation Teams which are involved in geologic hazards and disasters/emergencies.

W. OFFICE ON AGING

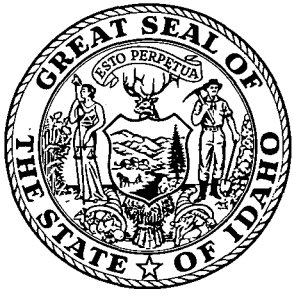
1. Arrange for representation in the Disaster Assistance Center when required.
2. Provide information on the effects of the emergency/disaster on the elderly.

III. EMERGENCY ACTIONS

Any emergency preparedness function under this Order or parts thereof may be transferred from one governmental agency to another with the consent of the heads of the agencies involved and with the concurrence of the Chief, Bureau of Disaster Services. Any new emergency preparedness function may be assigned to the head of a governmental agency by the Chief, Bureau of Disaster Services, by mutual consent.

The head of each governmental agency is hereby authorized to delegate the functions assigned to him by this Order.

This Order does not confer authority to put into effect any emergency plan, procedure or policy until my proclamation of a state of extreme emergency under the provision of and as defined in Section 46-601, subparagraph (a), Idaho Code, and/or my proclamation of a disaster emergency under the provisions of section 46-1008 of the Idaho Code is issued.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the thirty-first day of December, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans

BY THE GOVERNOR: GOVERNOR OF THE STATE OF IDAHO

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-28

CREATING A FARM FORECLOSURE REVIEW BOARD

WHEREAS: Agriculture is Idaho's largest industry; and

WHEREAS: Idaho farmers have been victimized by distressing economic circumstances, including an international trade deficit caused by an inflated U.S. dollar, high real interest rates caused by massive federal budget deficits, and low commodity prices; and

WHEREAS: Idaho farmers have been further victimized by natural causes, including drought, grasshopper infestations and early frosts;

WHEREAS: The value of Idaho farm assets has been eroded dramatically by declining land values which in turn restricts access to farm credit; and

WHEREAS: Foreclosure on farm collateral is becoming an increasingly common occurrence despite the fact foreclosure is typically the creditors' least desirable means of recovery; and

WHEREAS: A recent survey estimates 11 percent of Idaho farmers face extreme financial problems which may well force them from agriculture within two years; and

WHEREAS: A forced sale of farm land or equipment not only can wipe out a farm family's life savings, but also adversely affects the economic well-being of the surrounding community; and

WHEREAS: The State of Idaho should assist farmers and their creditors in finding alternatives to foreclosure wherever possible without impairing the creditors' legal and equitable interest in collateral;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, pursuant to the authority vested in me by the Constitution and laws of this state do hereby order as follows:

I. A Farm Foreclosure Review Board is hereby established.

A. Membership. The Board shall consist of five (5) members who shall be appointed by the Governor. At least two of the members shall be past or present farmers, and at least two additional members shall be persons with past professional experience working in either an Idaho lending institution, or the Farmers Home Administration or the Farm Credit System. One of the Board members shall be designated by the Governor as chairman. Board members shall be appointed for a period of two years except that at least two of the Board members shall be appointed for a one year term initially. Those two shall include one farmer's representative and one lender's representative.

B. Duties, Compensation and Expenses. The Board shall serve as a mediator between a farmer who is in danger of foreclosure, or who has received a notice of foreclosure, on his farm real property and any creditor (including state

lending institutions, Federal Land Bank, Farmers Home Administration, Production Credit Associations, Insurance Companies or private individuals) who holds a valid mortgage or lien, in such real property.

Board members will serve in a voluntary capacity with no compensation to be paid except for reimbursement of their reasonable and necessary expenses. Expenses of the Board are to be paid and/or reimbursed by the Director of the Department of Agriculture.

C. Procedure. A petition for review may be filed by a farmer who faces foreclosure and who has not filed for bankruptcy. A petition may also be filed by a creditor who desires review of a pending foreclosure. Petitions shall be submitted to the Board in care of the Idaho Department of Agriculture, Statehouse, Boise, ID 83720. A filing fee set by the Board must accompany each petition for review. The filing fee will be refunded if the Board fails to issue a decision due to the fact that the other side has declined to submit the matter to the Board for review. Money received from filing fees shall be used to defray costs and expenses of the Board.

D. Recommendations of the Board. Recommendations of the Board shall not be binding on the parties. The Board is to act as an ombudsman in trying to reconcile differences between farmers and creditors and/or to find common ground under which foreclosure can be avoided.

Upon receiving a petition, the Board shall contact other parties involved, attempting to get the other parties to submit the matter for review. The Board shall review the matter and issue a recommendation or opinion. The recommendation or opinion may be made after review of documents and affidavits submitted, unless a hearing is requested by a party and granted by the Board. Board hearings need not follow formal rules of procedure or of evidence, and may be held ex parte and/or in camera if necessary to prevent disclosure of confidential information.

Within thirty days of receiving all documents from both parties in the matter, the Board shall issue its recommendation or opinion. This time limit may be extended another thirty days for good cause.

E. Additional Board Powers. The Board shall have the following powers:

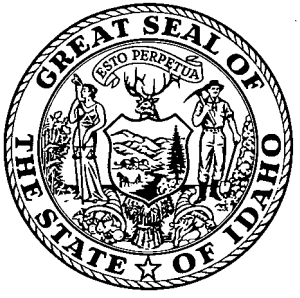
1. To limit petitions it will accept for review to those involving family farm foreclosures, or further, to family farm foreclosures involving the farmer's residential real property, if such limitation is necessary to the efficient operation of the Board within available resources. Similarly, the Board may condition acceptance of a petition for review upon agreement by the farmer to keep interest payments current to the lender during the pend-

ing of the Board's review.

2. To prescribe forms to be used when filing a petition for review. This form may include a consent by a petitioning farmer for the Board to obtain bank documents or other instruments concerning the loan under review.
3. To issue guidelines for procedure before the Board, and to protect the confidentiality of information provided to the Board by the parties;
4. To contact other potential parties to a review and obtain their consent to submit the matter for a review.
5. To act on a petition only if all parties consent. Action shall include review of documents and testimony, holding discussions with the parties and issuing recommendations or opinions.
6. To accept and spend funds from public or private sources to defray necessary Board expenses.

II. The Director of Agriculture is directed to request that the State Auditor establish a new account called the "Family Farm Assistance Account," into which noncognizable nonstate funds received for family farm assistance activities shall be deposited.

III. All State agencies and institutions shall cooperate with and assist the Board in carrying out its responsibilities under this order.



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 eighth day of November, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-29

RETAINING THE FUNCTIONS OF THE ENERGY RESOURCES BUREAU WITHIN THE DEPARTMENT OF WATER RESOURCES, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-19

WHEREAS, energy and the availability of long-range supplies are

critical to the well-being of our state; and

WHEREAS, energy is as vital a natural resource as our water and land and is inextricably linked to our vital water resources; and

WHEREAS, it is further the responsibility of state government to employ measures to reduce wasteful, uneconomical and unnecessary uses of energy which will diminish Idaho's precious natural resources; and

WHEREAS, we must plan realistically, conserve our current energy resources, and develop new energy sources to assure a strong, healthy, and growing economy; and

WHEREAS, Executive Order No. 81-12 transferred the functions of the Idaho Office of Energy to the Idaho Department of Water Resources and Executive Order No. 83-19 retained that function in the Department; and

WHEREAS, the consolidation of governmental activities relating to water resources and energy has provided for more efficient state services;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Article IV, Section 5, of the Idaho Constitution and Section 42-1706, Idaho Code, (1977); and Section 67-802, Idaho Code, (1980); do hereby renew Executive Order No. 83-19 and retain the energy planning, policy and coordination functions within the Idaho Department of Water Resources (hereinafter referred to as the Department) effective November 8, 1985.

SECTION 1. TRANSFER AND RETENTION OF FUNCTIONS: The Department, being authorized to accept and retain pursuant to Section 42-1706, Idaho Code, (1977); Section 42-1734A(1), Idaho Code, (Suppl 1983); Section 42-1805, Idaho Code, (1977); H.C. Res. 48, Policy No. 13, 44 Leg. 2nd Sess. (1978), 1978 Idaho Sess. Laws 1003, and as otherwise provided by law, is vested with the following energy planning, policy and coordination functions:

(a) Provide advice to the Governor, the Legislature and other public officials relating to the state's energy requirements, supply, resources, management and production.

(b) Prepare and, as necessary, implement contingency plans for the conservation and allocation of nonstate-regulated energy supplies during periods of shortages and supply interruptions.

(c) Promote energy conservation through research, public information and other activities.

(d) Promote the increased utilization of renewable energy resources through research, technical assistance, and public information.

(e) Assist local governments, school districts, and public institutions in obtaining funds and carrying out programs of improved energy management.

(f) Assist citizens in developing energy-efficient technologies.

(g) Provide public information and data on energy supplies, demands, resources, technologies, and conservation.

(h) Pursue and accept federal delegations of responsibility and authority for matters that affect the energy supply and consumption of the citizens of Idaho.

(i) Make contracts and enter into agreements and do all other

things necessary to carry out the provisions of this Executive Order and in the performance of other duties as may be directed by the Governor.

(j) Serve as the lead state agency to solicit, receive, and disburse any funds which promote the conservation of energy and the development of energy resources from all available sources.

(k) Coordinate and develop state plans and activities affecting energy resources by state agencies. The Department may require reports of other executive agencies of energy plans and consumption.

SECTION 2. SAVINGS PROVISIONS. (1) All orders, regulations, contracts, and licenses which have been issued in the performance of functions which are retained under this Executive Order, and which are in effect at the time this Executive Order takes effect, shall continue in effect according to their terms until modified or terminated.

(2) All appropriations, grants, and other money available to the Idaho Office of Energy transferred to the Department shall remain available for the objectives and purposes for which appropriated, subject to any terms or limitations imposed by federal or state law.

(3) Whenever the Idaho Office of Energy or the Director thereof is referred to in any law, rule, regulation, order, contract, document, judicial or administrative proceedings, or otherwise, the same shall be considered to mean the Department or the Director of the Department of Water Resources.

This Executive Order repeals and replaces Executive Order No. 83-19.

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 eighth day of November, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-30

CONTINUATION OF RISK MANAGEMENT ADVISORY COMMITTEE REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-20

WHEREAS, the State of Idaho has found it necessary to purchase

casualty and property insurance to properly protect state-owned property and to cover exposures of the state where potential risk of loss exists; and

WHEREAS, the cost of said insurance has increased substantially during the past several years; and

WHEREAS, Chapter 57, Title 67, of the Idaho Code has designated the Division of Insurance Management, Department of Administration, as the state agency responsible for the administration of state insurance programs of all kinds; and

WHEREAS, it is desirable that the state receive professional advice on the management of risks and the administration and procurement of insurance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby continue the "Risk Management Advisory Committee" to act in an advisory capacity to the Department of Administration in the areas of risk and insurance management for the State of Idaho.

SECTION 1. COMPOSITION OF THE COMMITTEE.

The Risk Management Advisory Committee shall consist of three (3) members appointed by the Governor. Members shall serve for a term of two (2) years. Committee members shall serve without remuneration but shall receive their actual expenses of travel and lodging to meetings and be reimbursed for meals as allowed by Idaho laws and regulations.

Committee members will be selected from private industry or the general public and must have insurance experience that will be valuable to the Committee. To maintain the integrity of the Committee, Committee members may not be associated with or employed by any insurance company, insurance agency, or consulting firms providing insurance or risk management consulting services to the State of Idaho.

The Director of the Department of Administration, or his designee, shall serve as chairman of the Risk Management Advisory Committee. The Department of Administration shall provide a secretary to record all actions taken by the Committee. The chairman will not have a vote in the decisions of the Committee except in the event of a tie vote.

The Committee may not meet and transact business without a quorum present. A quorum shall be two (2) members and the chairman.

SECTION 2. COMMITTEE SUBJECT TO STATE RULES.

The Risk Management Advisory Committee shall be subject to all laws, rules and regulations of the State of Idaho. Minutes shall be kept of all Committee meetings and will be available for public inspection after approval by the Committee.

SECTION 3. COMMITTEE RESPONSIBILITIES.

The Risk Management Advisory Committee shall be responsible for advising the State on risk management and insurance matters. Duties of the Committee shall include, but are not limited to:

A. Review and advise on safety and loss prevention programs;
B. Review and advise on risk exposures;
C. Review and advise on risk handling programs;
D. Review and advise on insurance specifications, insurance proposals from companies and/or agents, and the procurement of insurance;

E. Review and advise on self-insurance programs; and

F. Review and advise on dealings with insurance companies and insurance agents.

The Risk Management Advisory Committee shall be advisory in nature only, and the advice of the Committee shall be given all due accord. The ultimate responsibility for risk management shall remain with the Administrator of the Division of Insurance Management and with the Department of Administration, as provided by law.

This Executive Order repeals and replaces Executive Order No. 83-20.

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 November, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-31

CONTINUING THE CORRECTIONAL INDUSTRIES ADVISORY BOARD, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-24

WHEREAS, there exists a Board of Correction responsible for the operation of correctional industries' shops within the prison facility; and

WHEREAS, the Correctional Industries, under the Board of Correction above, is required by Section 20-408, Idaho Code, to exercise the duties enumerated therein; and

WHEREAS, the exercise of such duties often requires technical expertise in such areas as marketing, equipment acquisition, production methods, profit margins and the like; and

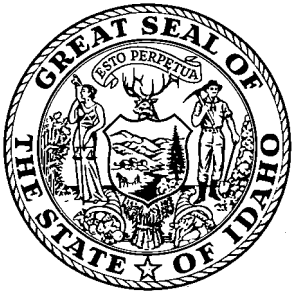
WHEREAS, the members of the Board of Correction are not necessarily familiar with the operation of industrial enterprises nor do they necessarily have the required technical expertise in such areas as marketing, equipment acquisition, production methods, profit margins and the like; and

WHEREAS, the creation of an advisory board composed of volunteers from the private sector of our economy has helped provide the required technical expertise and improve the profitability of the state's prison industries program;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by law, do hereby continue the Correctional Industries Advisory Board for the purpose of providing technical expertise to the Board of Correction or any successor organization charged with the responsibilities contained in Section 20-408, Idaho Code, in such areas as marketing, business operation, finance, production and livestock operation, or in other such areas as might be helpful in the area of correctional industries.

The Board shall consist of five (5) members appointed by the Governor from the private sector of the Idaho economy. The term shall be two years. The Governor shall further designate the Chairman of the Advisory Board.

This Executive Order repeals and replaces Executive Order No. 83-24.



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 December, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-32

CONTINUATION OF THE IDAHO LEWIS AND CLARK TRAIL COMMITTEE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 83-21

WHEREAS, the Lewis and Clark Trail has great historical significance to the State of Idaho; and

WHEREAS, it is important that Idaho have an official group to coordinate with other Lewis and Clark Trail states;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the Idaho Lewis and Clark Trail Committee as an advisory body to state, local and federal governments on the Lewis and Clark Trail development and management.

The Committee shall:

1. Promote public awareness of the historical significance of the Lewis and Clark Expedition and encourage the development and protection of historical sites and outdoor recreational resources along the Lewis and Clark Trail;
2. Act in an advisory capacity to other Idaho commissions,

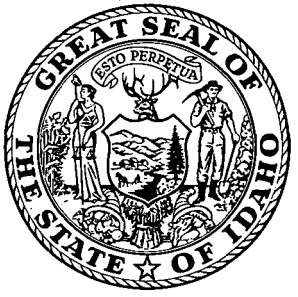
bureaus, agencies and committees by making recommendations regarding their activities and policies that relate to the history and trail of the Lewis and Clark Expedition; and

3. Serve as the official liaison with other Lewis and Clark Trail states, the national Lewis and Clark Trail Heritage Foundation, Inc., and federal departments, bureaus and committees concerned with the Lewis and Clark Trail in coordinating and planning activities to foster state and national recognition of the significance of the Lewis and Clark Expedition, including promotion of the aims and recommendations of the federal Lewis and Clark Trail Commission, which existed from 1964 to 1969.

The Committee shall consist of no more than 10 persons who are appointed by the Governor and serve at his pleasure. The Governor or his designee shall be a member of the Committee. The Chairperson is elected by the Committee and shall designate a Vice-Chairperson to carry out his/her duties in his/her absence. The membership of the Committee shall include a representative of the Historical Society and of the Department of Parks and Recreation.

The Committee shall have regular meetings as determined by the majority of the Committee and shall meet on special occasions upon the call of the Chairperson.

This Executive Order repeals and replaces Executive Order No. 83-21.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the ninth day of December, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 85-33

ESTABLISHMENT OF THE MARTIN LUTHER KING, JR., TASK FORCE

WHEREAS, in 1983, Congress enacted legislation which established the third Monday of each January as a legal federal holiday in commemoration of Dr. Martin Luther King, Jr.; and

WHEREAS, Congress, in conjunction with this Act, has created the Martin Luther King, Jr., Federal Holiday Commission to promote appro-

priate observances, including those at the state level; and

WHEREAS, the State wishes to ensure that all persons have an opportunity to participate fully in honoring Dr. King; and

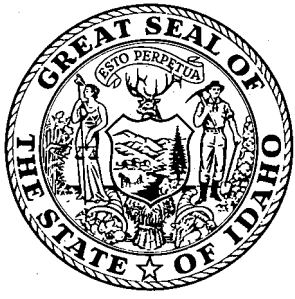
WHEREAS, the celebration of Dr. King's birthday is intended as a time for all Americans to reaffirm their commitment to the basic principles that underlie our Constitution -- equality and justice for all;

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 Task Force to plan Idaho's observance of the Martin Luther King, Jr., holiday. The Task Force shall consist of a Chairperson and such persons as may be appointed by the Governor and who will serve at his pleasure.

The Task Force shall:

1. Review material supplied to the State by the Martin Luther King, Jr., Federal Holiday Commission; solicit ideas from Idahoans concerning appropriate activities; and make recommendations to the Governor for the State observances;
2. Present the Governor with a report on activities of the past year and recommendations on the upcoming celebration. Such reports are due on January 6, 1986, and on November 15 in subsequent years;
3. Encourage participation in activities recommended by the Task Force and the Governor as part of Idaho's commemoration of Dr. King's birthday; and
4. Work with citizen and community groups from throughout the State in coordinating and assisting them to plan activities honoring Dr. King.

Members shall serve without compensation. The Task Force will be staffed by the Idaho Human Rights Commission.



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 December, in the year of our Lord nineteen hundred eighty-five, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-2

CONTINUING INFORMATION SERVICES, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-2

WHEREAS, House Bill 780 of the Forty-fifth Legislature vested the Office of the Governor with the duty to approve the leasing, purchasing and installing of data processing equipment by state government; and

WHEREAS, House Bill 780 made it the duty of the Governor to provide overall state data processing planning; and

WHEREAS, House Bill 780 expired on June 30, 1981; and

WHEREAS, the need to continue to develop and implement statewide planning for the acquisition and installation of data processing equipment is essential to an efficient government;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the powers vested in me, do hereby issue this Executive Order continuing the function of planning for the acquisition and installation of data processing equipment on a statewide basis.

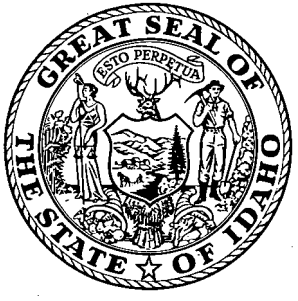
IT IS HEREBY ORDERED AND DIRECTED that the Director of the Department of Administration, or his designee, shall:

1. Approve the leasing, purchasing or installing of any electronic data processing equipment/word processing equipment and facilities for the Executive Branch of government; and
2. Provide overall state data processing/word processing planning.

IT IS FURTHER ORDERED AND DIRECTED that all agencies within the Executive Branch of government shall obtain the approval of the Director of the Department of Administration, or his designee, prior to purchasing or leasing any data processing/word processing equipment.

IT IS FURTHER ORDERED AND DIRECTED that the Director of the Department of Administration shall consult and confer with appropriate state agencies while preparing and implementing an overall state data processing plan.

This Executive Order repeals and replaces Executive Order 84-2 and is retroactive to January 4, 1986.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of February, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-3

CONTINUING DATA PROCESSING TASK FORCE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-3

WHEREAS, electronic data processing has become a key management tool to departments in state government; and

WHEREAS, Executive Order No. 84-3 provides for the continuation of Information Services and designation of the Director of the Department of Administration to be the individual responsible for planning the acquisition and installation of data and word processing equipment on a statewide basis and approving the leasing or purchasing of any data processing and word processing equipment and facilities for the Executive Branch of government;

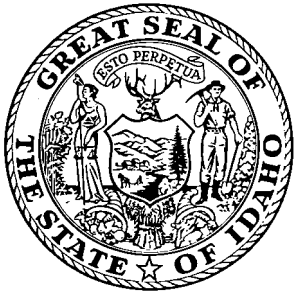
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the power vested in me by law, do hereby order that the State Data Processing Master Plan is hereby continued and that there is hereby continued a Data Processing Task Force. This Task Force shall consist of the Director of the Department of Administration, who shall be the Chairman thereof; the Director of the Idaho Transportation Department; the Director of the Department of Health and Welfare; the Director of the Department of Employment; a member to be designated by the State Auditor; and a member of the State Board of Education.

IT IS FURTHER ORDERED AND DIRECTED that all boards, departments and agencies of the Executive Branch of government shall utilize and abide by the State Data Processing Master Plan and the policies, goals, and objectives set forth therein and annually submit to the Data Processing Task Force a comprehensive plan update for data processing and word processing activities following guidelines provided by the Director of the Department of Administration.

IT IS FURTHER DIRECTED that said Data Processing Task Force shall be responsible for reviewing and approving or disapproving the plans of all state agencies for the acquisition of data processing and word processing and computing services.

IT IS FURTHER ORDERED that the members of the Data Processing Task Force shall oversee the implementation and updating of the State Data Processing Master Plan and make such recommendations as they deem necessary to that end.

This Executive Order repeals and replaces Executive Order No. 84-3 and is retroactive to January 4, 1986.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of February, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-4

CONTINUING THE GOVERNOR'S EDUCATION CONSOLIDATION AND IMPROVEMENT ACT ADVISORY COUNCIL, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-4

WHEREAS, the Education Consolidation and Improvement Act of 1981 required that an advisory council be established by the Governor to advise the Idaho Department of Education; and

WHEREAS, the apportionment of reduced federal funding is particularly crucial to Idaho's school districts; and

WHEREAS, the choices among program opportunities for retained state level funds are many -- within the context of federal funding reductions; and

WHEREAS, excellence in our public school system can be enhanced by the fair allocation of funds and program selection targeted to the most critical need of our students; and

WHEREAS, it is in the best interests of all Idaho residents that this Council be broadly representative of concerned educators and citizens statewide;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me by law do hereby continue the Governor's Education Consolidation and Improvement Act Advisory Council.

The duties of the Council shall include:

1. Active and continuing consultation with the Superintendent of Public Instruction and the Department of Education regarding the planning, development, support, implementation, and evaluation of state programs assisted under Chapter 2 of the Federal Education Consolidation and Improvement Act of 1981;
2. Advising the Superintendent of Public Instruction on the allocation of funds reserved for state use from Idaho's Chapter 2 allotment (not to exceed 20 percent of the state allotment);
3. Advising the Superintendent of Public Instruction on the formula for allocation to local education agencies of Idaho's Chapter 2 allotment;
4. Ensuring that there is timely public availability of the Council's comments on allocation proposals before the state application and subsequent annual amendments are submitted to the Secretary of Education;
5. Providing comments to be included in the annual evaluation of the effectiveness of programs assisted by these funds, beginning with federal fiscal year 1984; and
6. Reporting to the Governor on the implementation of this pro-

gram.

The Council shall be limited to no more than 15 members appointed by the Governor who will serve three-year terms. A chairman shall be appointed annually by the Governor.

The Council members will include persons representative of:

1. public and private elementary and secondary schoolchildren,
2. classroom teachers,
3. parents of elementary and secondary schoolchildren,
4. local boards of education,
5. local school administrators,
6. institutes of higher education, and
7. the Idaho Legislature.

Council members will be compensated for travel and expenses. The Council will hold meetings as needed to accomplish its duties.

This Executive Order repeals and replaces Executive Order No. 84-4 and is retroactive to January 20, 1986.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of February, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-5

ENERGY CONSERVATION CONSIDERATIONS INCLUDED IN STATE BUILDINGS, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-1

WHEREAS, the efficient use of energy is of prime importance to the economic and energy well-being of the State of Idaho; and

WHEREAS, the State of Idaho uses, in its owned and leased buildings, a considerable portion of the state's energy demand; and

WHEREAS, the state government's ability to control energy use in leased facilities has been minimal, particularly after signing a lease; and

WHEREAS, it is imperative that the state government of Idaho set an example of energy efficiency for owners and operators of public and private buildings;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the order that all state building designs and lease

agreements will include energy conservation considerations including:

--insulation levels no less stringent than the Code for Energy Conservation in New Building Construction (Uniform Building Code, 1979);

--insulated or storm windows and doors;

--adequate caulking and weatherstripping;

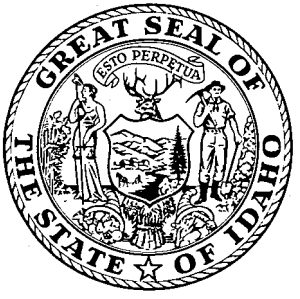
--use of solar hot water where feasible and solar heating where cost effective;

--in the Capitol Mall, use of natural hot water where feasible; and

--roof design providing summer shade for sun-facing windows and entryways in the summer and direct sunlight on those walls in the winter.

FURTHER, I order that all lease agreements be reviewed in draft form for compliance with these objectives. All parties are to be notified in any such negotiations that failure to comply with these objectives may be sufficient grounds for voiding the lease agreement. I further order that the signing of such agreements include a statement of accountability to the intent of this order so that compliance will be a part of the lease drafting procedure rather than a source of conflict after a contract has been signed. I further direct the attention of all persons and agencies in all branches of state and local government to the spirit of this order. Consideration of long-term energy costs, including seasonal and peaking demands upon the suppliers of energy, should become a major consideration in construction of all state buildings and lease agreements.

This Executive Order repeals and replaces Executive Order No. 84-1 and is retroactive to January 23, 1986.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the nineteenth day of February, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-6

DESIGNATING THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR AS THE RECIPIENT OF FEDERAL GRANTS FOR LOCAL RAIL SERVICE ASSISTANCE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-5

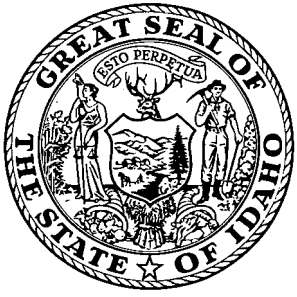
WHEREAS, the United States Department of Transportation, through the Federal Railroad Administrator, under (1) sections 5(f) through 5(o) of the Department of Transportation Act, as amended, [49 U.S.C. 1654 (f) through (o)]; (2) sections 106(b) and 110 of the Local Rail Service Assistance Act of 1978 (Pub. L. 95-607); and (3) 49 CFR Parts 265 and 266, 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 its Director, to receive and expend monies from the Federal Railroad Administrator for Local Rail Service Assistance for planning and projects, as provided under the applicable Federal Statutes.

This Executive Order repeals and replaces Executive Order No. 84-5.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twentieth day of February, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-8

DIRECTING THE STATE AUDITOR TO TRANSFER TO THE DISASTER EMERGENCY ACCOUNT MONEYS FROM DEDICATED FUNDS TO PAY OBLIGATIONS AND EXPENSES INCURRED BY THE STATE OF IDAHO DURING A DECLARED STATE OF DISASTER EMERGENCY.

WHEREAS, by Proclamation dated January 3, 1986, I did proclaim and declare that a state of extreme emergency did exist in Canyon, Payette and Washington Counties in the State of Idaho by virtue of extreme

cold weather, resulting in ice jams on a forty-mile section of the Snake River; and

WHEREAS, by Proclamation dated February 21, 1986, I did proclaim and declare that a state of extreme emergency did exist in Owyhee County in the State of Idaho by virtue of flooding causing damage to roads, culverts and other property, isolating families in rural areas; and

WHEREAS, by Proclamation dated February 24, 1986, David H. Leroy, Acting Governor of the State of Idaho, did proclaim and declare that a state of extreme emergency did exist in Boise County in the State of Idaho by virtue of rapid runoff and flooding, causing damage to bridges and roads and isolation of families; and

WHEREAS, the damage to property and services are beyond the control of the services, personnel, equipment and facilities of local government;

WHEREAS, the State may incur obligations and expenses in coping with the declared state of disaster emergencies and has expended all State money available in the disaster emergency account;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me by Section 46-1005, Idaho Code, and Section 46-1008, Idaho Code, do hereby direct the State Auditor, Joe R. Williams, or his designated agent, to transfer to the disaster emergency account moneys from the following dedicated funds in the following amounts, to pay obligations and expenses incurred by the State of Idaho during the declared state of disaster emergencies in Owyhee and Boise Counties in the State of Idaho:

From the State Highway Account (No. 2205)	$17,500
From the Water Pollution Control Account (No. 3822)	17,500

PROVIDED THAT the use of funds transferred from the State Highway Account shall be limited to activities related to the construction, repair, and maintenance of the public highways of the state as provided by Article 7, Section 17, of the Idaho Constitution.

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 March, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred tenth, and of the Statehood of Idaho the ninety-sixth.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

INDEX

SECOND REGULAR SESSION - FORTY EIGHTH LEGISLATURE

ABBREVIATIONS USED IN THIS INDEX

Approp = Appropriation
Bd = Board
Dept = Department
Dist = District
Comm = Commission
Com = Committee

ACCOUNTANTS Chapter - Page
Accountancy, Bd, approp....Ch. 72 - 199
Professional corp, public accounts, defined....Ch.128 - 331
Reports, defined....Ch.128 - 331
Reports, titles, use of certain, prohibited....Ch.128 - 331
ACCOUNTS
Children's Trust, tax, revenue distribution....Ch. 73 - 201
Constitutional Bicentennial Comm, created, approp....Ch.153 - 439
Crime Victims Compensation, created....Ch.337 - 824
Drug Enforcement Donation, private donations....Ch.286 - 709
Drug Enforcement, tax, revenue distribution....Ch. 73 - 201
F&G, tax, revenue distribution....Ch. 73 - 201
Governor-Elect Transitional, approp....Ch.281 - 705
Hazardous Material/Waste Transport Enforcement....Ch.231 - 627
Idaho Agriculture in the Classroom Program....Ch. 85 - 248
Local Highway Needs Assessment, created....Ch. 99 - 277
Motorbikes Recreation, created....Ch.233 - 641
Olympics, tax, revenue distribution....Ch. 73 - 201
Parks & Recreation, fees depositied....Ch.270 - 694
Permanent Building, approp....Ch. 39 - 121
Public Employee Retirement, public schools, approp....Ch.335 - 821
Public Health Trust, approp, reduced, FY 1986....Ch. 1 - 3
Resource Conser&Rangeland Dev Loan, revenue transf....Ch.345 - 852
Social Security Trust, public schools, approp....Ch.335 - 821
State Refund, various refund payments....Ch. 73 - 201
Swan Falls Agreement, approp, reduced, FY 1986....Ch. 1 - 3
Traffic Safety Comm, approp....Ch.159 - 447
Vessel, State, created, use....Ch.207 - 515
Water Pollution Control, revenues transferred to....Ch.345 - 852
ACQUIRED IMMUNODEFICIENCY SYNDROME
Semen donations, test for, required....Ch.111 - 304
Venereal disease, classified....Ch. 70 - 195
ADMINISTRATION DEPARTMENT
Approp....Ch.167 - 454
Approp, asbestos abatement....Ch.334 - 819

ADMINISTRATION DEPARTMENT (Continued) Chapter - Page
Approp, preventative maintenance projects.....Ch.334 - 819
Approp, reduced, FY 1986.....Ch. 1 - 3
Insurance Manage Div, administrator, power & duty.....Ch.150 - 434
ADMINISTRATIVE PROCEDURES ACT
Rules, definition, agency interpretation excluded.....Ch.318 - 783
Rules, republish every 2 years, not required, when.....Ch.105 - 292
ADVERTISING
Honey, Comm, approp.....Ch.277 - 700
AGING, OFFICE ON
Approp.....Ch.254 - 675
Approp, reduced, FY 1986.....Ch. 1 - 3
AGRICULTURE
Apple Comm, approp.....Ch.154 - 441
Bean Comm, approp.....Ch.154 - 441
Cherry Comm, approp.....Ch.154 - 441
Chickpeas, assessment levied.....Ch. 27 - 79
Cooperative Extension Service Program, UofI.....Ch.259 - 678
Dairy Products Comm, approp.....Ch.154 - 441
Dept, approp.....Ch.277 - 700
Dept, approp, additional.....Ch.253 - 674
Dept, approp, reduced, FY 1986.....Ch. 1 - 3
Dept, approp, transferred from State Auditor.....Ch. 37 - 120
Farm machinery, repurchase, repair/stock parts.....Ch.248 - 668
Farm machinery, slow moving, def, restrictions.....Ch.198 - 497
Farm products, security interests.....Ch.338 - 834
Field burning, H&W to promulgate rules.....Ch.325 - 797
Grasshoppers/crickets, etc, deficiency warrants.....Ch.181 - 478
Honey Advertising Comm, approp.....Ch.277 - 700
Idaho Agriculture in the Classroom Program Acct.....Ch. 85 - 248
Lentils, assessment, increased.....Ch. 27 - 79
Loans, certain, income tax deductions, interest.....Ch.336 - 824
Milk/milk products, tests, stand, methods, certain.....Ch.101 - 281
Milk/milk products, transportation tanks, standards.....Ch.101 - 281
Peas, assessment, increased.....Ch. 27 - 79
Pest control, deficiency warrants issued.....Ch.181 - 478
Potato Comm, approp.....Ch.154 - 441
Rapeseed, director, powers & duties.....Ch.249 - 670
Research Program, approp, UofI.....Ch.259 - 678
Seed dealers license, in-state, exempt, when.....Ch.110 - 303
Sheep Comm, approp.....Ch.277 - 700
Sheep Comm, assessment, changes, effective date.....Ch. 3 - 41
U.S. Dept, Beef Council, fed promo & research order.....Ch.246 - 665
Wheat Comm, approp.....Ch.154 - 441
AIDS
See ACQUIRED IMMUNODEFICIENCY SYNDROME
ALCOHOL
See LIQUOR
ALCOHOLIC BEVERAGES
See LIQUOR
AMMUNITION
Products liability, not deemed defective, when.....Ch.216 - 553

AMMUNITION (Continued) Chapter - Page
Shells, prohibited material.....SCR121 - 874
Shells, steel shot, regulations, certain.....SCR121 - 874
ANIMALS
See also LIVESTOCK, WILDLIFE
Calves, brucellosis, tag, unlawful use, penalty.....Ch.102 - 288
Damage Control Bd, endangered wildlife.....Ch.212 - 546
Damage control fees, increased, distribution.....Ch.177 - 467
Dogs, use of, hunting, prohibited, when.....Ch.297 - 745
Horses, damage control fees.....Ch.177 - 467
Mules, damage control fees.....Ch.177 - 467
Stock watering permit, to whom issued.....Ch.199 - 498
APPEALS
Direct, issues not raised, forfeited, conditions.....Ch.126 - 326
Pending, bail altered by courts, prohibited.....Ch.125 - 326
Presentence report, copy to Attorney General.....Ch.124 - 325
State employees, grievance procedures.....Ch.127 - 327
State employees, grievance procedures.....Ch.134 - 355
APPLES
Comm, approp.....Ch.154 - 441
APPRAISALS
Fees, state land, timber, eliminated.....Ch.114 - 306
APPROPRIATIONS
Accountancy, Bd.....Ch. 72 - 199
Administration, Dept.....Ch.167 - 454
Administration, Dept, asbestos abatement.....Ch.334 - 819
Administration, Dept, reduced, FY 1986.....Ch. 1 - 3
Aging, Office on.....Ch.254 - 675
Aging, Office on, reduced, FY 1986.....Ch. 1 - 3
Agricultural Research Program, UofI.....Ch.259 - 678
Agriculture, Dept.....Ch.277 - 700
Agriculture, Dept, additional.....Ch.253 - 674
Agriculture, Dept, reduced, FY 1986.....Ch. 1 - 3
Agriculture, Dept, transferred from State Auditor.....Ch. 37 - 120
Apple Comm.....Ch.154 - 441
Arts & Humanities Comm.....Ch.157 - 444
Athletic Director, State.....Ch. 72 - 199
Athletic Director, State, reduced, FY 1986.....Ch. 1 - 3
Attorney General.....Ch.279 - 702
Attorney General, reduced, FY 1986.....Ch. 1 - 3
Auditor, Legislative.....Ch.228 - 616
Auditor, Legislative, reduced, FY 1986.....Ch. 1 - 3
Auditor, State.....Ch.189 - 485
Auditor, State, additional.....Ch.190 - 487
Auditor, State, data center, additional.....Ch. 65 - 187
Auditor, State, reduced, FY 1986.....Ch. 1 - 3
Bean Comm.....Ch.154 - 441
Blind Comm.....Ch.170 - 457
Blind Comm, maintenance projects.....Ch.334 - 819
Blind Comm, reduced, FY 1986.....Ch. 1 - 3
Brand Inspection.....Ch.226 - 613
BSU.....Ch.273 - 696

APPROPRIATIONS (Continued) Chapter - Page
BSU, handicapped accessibility....Ch.334 - 819
BSU, reduced, FY 1986....Ch. 1 - 3
Certified Shorthand Reporters Bd....Ch. 72 - 199
Cherry Comm....Ch.154 - 441
Colleges & Universities....Ch.273 - 696
Colleges & Universities, reduced, FY 1986....Ch. 1 - 3
Commerce, Dept....Ch.283 - 706
Commodity Commissions....Ch.154 - 441
Constitutional Bicentennial Comm of Idaho Acct....Ch.153 - 439
Cooperative Extension Service Program, UofI....Ch.259 - 678
Correction, Dept....Ch.250 - 671
Correction, Dept, maintenance projects....Ch.334 - 819
Correction, Dept, reduced, FY 1986....Ch. 1 - 3
CSI, reduced, FY 1986....Ch. 1 - 3
Dairy Products Comm....Ch.154 - 441
Deaf & Blind School....Ch.163 - 450
Deaf & Blind School, bond payoff....Ch.334 - 819
Deaf & Blind School, bond payoff, decreased....Ch.335 - 821
Deaf & Blind School, reduced, FY 1986....Ch. 1 - 3
Dentistry, Bd....Ch. 72 - 199
District Court....Ch.284 - 707
Economic & Community Affairs, reduced, FY 1986....Ch. 1 - 3
Education, Bd....Ch.185 - 482
Education, Bd, Colleges & Universities....Ch.273 - 696
Education, Bd, Deaf & Blind School....Ch.163 - 450
Education, Bd, Deaf & Blind School, bond payoff....Ch.335 - 821
Education, Bd, Historical Society....Ch.162 - 449
Education, Bd, junior college support....Ch.252 - 673
Education, Bd, maintenance projects....Ch.334 - 819
Education, Bd, office, administration....Ch.251 - 672
Education, Bd, PSEP,WICHE,IDEP, medical/dental prog....Ch.262 - 681
Education, Bd, public broadcasting....Ch.266 - 691
Education, Bd, public broadcasting, reduced, FY86....Ch. 1 - 3
Education, Bd, public schools....Ch.335 - 821
Education, Bd, reduced, FY 1986....Ch. 1 - 3
Education, Bd, State Library Bd....Ch.256 - 676
Education, Bd, text books, supplies, etc....Ch.335 - 821
Education, Bd, Vocational Education....Ch.227 - 614
Education, Bd, Vocational Rehabilitation....Ch.263 - 682
Education, Bd, Vocational Rehabilitation, add'l....Ch. 10 - 52
Education, Dept....Ch.158 - 445
Endowment Fund Investment Bd....Ch.156 - 443
Endowment Fund Investment Bd....Ch.274 - 697
Engineering Examiners Bd....Ch. 72 - 199
F&G Dept....Ch.186 - 482
Finance-Appropriations Committee....Ch.228 - 616
Finance Dept....Ch.184 - 481
Financial Management, Division....Ch.255 - 676
Financial Management, Division, reduced, FY 1986....Ch. 1 - 3
Fiscal year 1986, certain, reduced....Ch. 1 - 3
General Services....Ch.167 - 454

APPROPRIATIONS (Continued) Chapter - Page
Geologists Bd.....Ch. 72 - 199
Governor-Elect Transitional Acct.....Ch.281 - 705
Governor, Office of, additional.....Ch.253 - 674
Governor, Office of, administration, residence.....Ch.188 - 484
Governor, Office of, Aging, Office on.....Ch.254 - 675
Governor, Office of, Blind Comm.....Ch.170 - 457
Governor, Office of, Blind Comm, projects.....Ch.334 - 819
Governor, Office of, Emergency Fund.....Ch.161 - 449
Governor, Office of, Endowment Fund Investment Bd.....Ch.156 - 443
Governor, Office of, Endowment Fund Investment Bd.....Ch.274 - 697
Governor, Office of, Financial Management Division.....Ch.255 - 676
Governor, Office of, General Services.....Ch.156 - 443
Governor, Office of, Human Rights Comm.....Ch.257 - 677
Governor, Office of, Idaho Centennial Comm.....Ch.166 - 453
Governor, Office of, Insurance Fund.....Ch.156 - 443
Governor, Office of, Liquor Dispensary.....Ch.156 - 443
Governor, Office of, Military Division.....Ch.171 - 458
Governor, Office of, Military Division, projects.....Ch.334 - 819
Governor, Office of, reduced, FY 1986.....Ch. 1 - 3
Governor, Office of, Retirement System.....Ch.156 - 443
Health Dists.....Ch.276 - 700
Historical sites, reduced, FY 1986.....Ch. 1 - 3
Historical Societies.....Ch.162 - 449
Historical Societies, reduced, FY 1986.....Ch. 1 - 3
Honey Advertising Comm.....Ch.277 - 700
Horse Racing Comm.....Ch.226 - 613
Human Rights Comm.....Ch.257 - 677
Human Rights Comm, reduced, FY 1986.....Ch. 1 - 3
H&W, Dept, Adult & ADC Assistance Payments.....Ch.229 - 617
H&W, Dept, Air Quality Program.....Ch.229 - 617
H&W, Dept, Community Developmental Disability Serv.....Ch.229 - 617
H&W, Dept, Community Mental Health Services.....Ch.229 - 617
H&W, Dept, Community Rehabilitation Services.....Ch.229 - 617
H&W, Dept, Community Rehabilitation Services, addl.....Ch.173 - 463
H&W, Dept, Eligibility Services.....Ch.229 - 617
H&W, Dept, Emergency Medical Services.....Ch.229 - 617
H&W, Dept, Emergency Medical Services.....Ch.267 - 692
H&W, Dept, Environmental Division.....Ch.229 - 617
H&W, Dept, Hazardous Materials Program.....Ch.229 - 617
H&W, Dept, Health Division.....Ch.229 - 617
H&W, Dept, Indirect Support Services.....Ch.229 - 617
H&W, Dept, Institutional Developmental Dis Services.....Ch.229 - 617
H&W, Dept, Institutional Mental Health Services.....Ch.229 - 617
H&W, Dept, Laboratory Services.....Ch.229 - 617
H&W, Dept, Medical Assistance Payments.....Ch.229 - 617
H&W, Dept, Medical Assistance Payments, additional.....Ch. 15 - 56
H&W, Dept, Physical Health Services.....Ch.229 - 617
H&W, Dept, programs, certain, reduced, FY 1986.....Ch. 1 - 3
H&W, Dept, Social Services Program.....Ch.229 - 617
H&W, Dept, State Hospital North.....Ch.229 - 617
H&W, Dept, State Hospital South.....Ch.229 - 617

APPROPRIATIONS (Continued) Chapter - Page
H&W, Dept, State Hospital South, psych unit, maint.....Ch.334 - 819
H&W, Dept, Substance Abuse Services.....Ch.229 - 617
H&W, Dept, Veterans Services Program.....Ch.229 - 617
H&W, Dept, Water Quality Program.....Ch.229 - 617
H&W, Dept, Welfare Division.....Ch.229 - 617
H&W, Dept, Youth Services Center.....Ch.229 - 617
Idaho, Utah, medical/dental programs.....Ch.262 - 681
Industrial Comm.....Ch.165 - 453
Insurance, Dept.....Ch.160 - 448
Insurance, Dept, adjustments.....Ch. 20 - 61
Insurance Fund.....Ch.156 - 443
Insurance Management.....Ch.167 - 454
ISU.....Ch.273 - 696
ISU, handicapped accessibility.....Ch.334 - 819
ISU, Industrial-Vocational Arts Bldg renovation.....Ch.334 - 819
ISU, Liberal Arts Building renovation.....Ch.334 - 819
ISU, reduced, FY 1986.....Ch. 1 - 3
JFAC, reduced, FY 1986.....Ch. 1 - 3
Judicial Council.....Ch.284 - 707
Labor & Industrial Services.....Ch.164 - 451
Labor & Industrial Services, reduced, FY 1986.....Ch. 1 - 3
Labor & Industrial Services, Safety Compliance Prog.....Ch.174 - 464
Lands, Dept.....Ch.280 - 703
Lands, Dept, additional.....Ch.253 - 674
Lands, Dept, maintenance projects.....Ch.334 - 819
Lands, Dept, reduced, FY 1986.....Ch. 1 - 3
Law Enforcement, Dept.....Ch.226 - 613
Law Enforcement, Dept, reduced, FY 1986.....Ch. 1 - 3
Law Library.....Ch.284 - 707
LCSC.....Ch.273 - 696
LCSC, handicapped accessibility.....Ch.334 - 819
LCSC, reduced, FY 1986.....Ch. 1 - 3
Legislative Budget Office.....Ch.228 - 616
Legislative Budget Office, reduced, FY 1986.....Ch. 1 - 3
Legislative Council.....Ch.228 - 616
Legislative Council, reduced, FY 1986.....Ch. 1 - 3
Library, State, Bd.....Ch.256 - 676
Library, State, Bd, reduced, FY 1986.....Ch. 1 - 3
Lieutenant Governor.....Ch.187 - 483
Lieutenant Governor, reduced, FY 1986.....Ch. 1 - 3
Liquor Dispensary.....Ch.156 - 443
Magistrates Division, Courts.....Ch.284 - 707
Medical/Dental Education Programs.....Ch.262 - 681
Medicine, Bd.....Ch. 72 - 199
Military Division.....Ch.171 - 458
Military Division, maintenance projects.....Ch.334 - 819
Military Division, reduced, FY 1986.....Ch. 1 - 3
Multi-state Tax Compact.....Ch.265 - 689
NIC, reduced, FY 1986.....Ch. 1 - 3
Nursing, Bd.....Ch. 72 - 199
Occupational Licenses Bureau.....Ch. 72 - 199

APPROPRIATIONS (Continued) Chapter - Page
Optometry Bd....Ch. 72 - 199
Outfitters & Guides Bd....Ch. 72 - 199
Parks & Recreation, Dept....Ch.269 - 693
Parks & Recreation, Dept....Ch.270 - 694
Parks & Recreation, Dept....Ch.275 - 698
Parks & Recreation, Dept, maintenance projects....Ch.334 - 819
Parks & Recreation, Dept, reduced, FY 1986....Ch. 1 - 3
Permanent Building Acct....Ch. 39 - 121
Permanent Bldg Fund Adv Council, reduced, FY 1986....Ch. 1 - 3
Permanent Bldg Fund, maintenance projects....Ch.334 - 819
Pharmacy, Bd....Ch. 72 - 199
Pharmacy, Bd, additional....Ch. 12 - 53
Pharmacy, Bd, reduced, FY 1986....Ch. 1 - 3
Potato Comm....Ch.154 - 441
Public Broadcasting....Ch.266 - 691
Public Broadcasting, reduced, FY 1986....Ch. 1 - 3
Public Employees Retirement Acct....Ch.335 - 821
Public Employees Retirement System....Ch.156 - 443
Public Health Dists....Ch.276 - 700
Public Health Trust Acct, reduced, FY 1986....Ch. 1 - 3
Public School Income Fund....Ch.335 - 821
Public schools....Ch.335 - 821
Public Works Contractors License Bd....Ch. 72 - 199
Public Works Contractors License Bd, additional....Ch. 12 - 53
Public Works, Division....Ch.167 - 454
Public Works, Division, reduced, FY 1986....Ch. 1 - 3
Public Works, maintenance projects....Ch.334 - 819
PUC....Ch.155 - 442
PUC, reduced, FY 1986....Ch. 1 - 3
Purchasing Division....Ch.167 - 454
Real Estate Comm....Ch. 72 - 199
Revenue projections, available funds, 1985-86....HCR44 - 880
Revenue projections, available funds, 1986-87....HCR43 - 879
Safety & Labor Relations Bureau....Ch.164 - 451
Safety compliance....Ch.164 - 451
Scholarships and grants....Ch.251 - 672
Secretary of State....Ch.157 - 444
Secretary of State, reduced, FY 1986....Ch. 1 - 3
Secretary of State, UCC central filing system....Ch.339 - 844
Self-Governing Agencies....Ch. 72 - 199
Self-Governing Agencies, Commodity Commissions....Ch.154 - 441
Sheep Comm....Ch.277 - 700
Social Security Trust Acct....Ch.335 - 821
Supreme Court....Ch.284 - 707
Supreme Court, reduced, FY 1986....Ch. 1 - 3
Supreme Court, Snake River adjud, judicial expense....Ch.271 - 694
Swan Falls Agreement Acct, reduced, FY 1986....Ch. 1 - 3
Tax Appeals Bd....Ch.265 - 689
Tax Comm....Ch.265 - 689
Tax Comm, additional....Ch.169 - 457
Tax Comm, circuit breaker tax relief....Ch.278 - 702

APPROPRIATIONS (Continued) Chapter - Page
Tax Comm, reduced, FY 1986....Ch. 1 - 3
Traffic Safety Comm Acct....Ch.159 - 447
Transportation, Dept....Ch.268 - 693
Transportation, Dept....Ch.159 - 447
Treasurer, State....Ch.347 - 855
Treasurer, State, amended....Ch. 26 - 78
Treasurer, State, reduced, FY 1986....Ch. 1 - 3
Unemployment Insurance Program....Ch.335 - 821
Uniform State Laws Comm....Ch.157 - 444
UofI....Ch.273 - 696
UofI Bd of Regents, higher education....Ch.273 - 696
UofI Bd of Regents, WAMI Medical Education Program....Ch.258 - 678
UofI, handicapped accessibility....Ch.334 - 819
UofI, library basement remodel....Ch.334 - 819
UofI, programs, certain, reduced, FY 1986....Ch. 1 - 3
UofI, reduced, FY 1986....Ch. 1 - 3
UofI, WOI Regional Program, Veterinary Medicine....Ch.261 - 680
Veterans Services Program....Ch.229 - 617
Veterans Services Programs, reduced, FY 1986....Ch. 1 - 3
Veterinary Medicine Bd....Ch. 72 - 199
Veterinary Medicine Program, UofI WOI Region Prog....Ch.261 - 680
Vocational Education, Dept....Ch.227 - 614
Vocational Education, Dept, reduced, FY 1986....Ch. 1 - 3
Vocational Rehabilitation, Division....Ch.263 - 682
Vocational Rehabilitaton, Div, reduced, FY 1986....Ch. 1 - 3
Vo-Tech School, east Idaho, multi-purpose complex....Ch.334 - 819
Water Resources, Dept....Ch.168 - 455
Water Resources, Dept, additional....Ch. 13 - 54
Water Resources, Dept, reduced, FY 1986....Ch. 1 - 3
Wheat Comm....Ch.154 - 441
ARCHITECTS
Landscape, examination fee increased....Ch. 53 - 156
Landscape, out-of-state, registration....Ch. 53 - 156
ARMED FORCES
Member, family, drivers license renewal....Ch.326 - 801
ARTIFICIAL INSEMINATION
Donors, AIDS test required....Ch.111 - 304
ARTS
Comm, approp....Ch.157 - 444
ASSESSMENTS
See TAX AND TAXATION
ASSOCIATIONS
Cooperative marketing, finance, revolve fund use....Ch. 4 - 41
ATHLETICS
Director, State, approp....Ch. 72 - 199
Director, State, approp, reduced, FY 1986....Ch. 1 - 3
ATTORNEY GENERAL
Approp....Ch.279 - 702
Approp, reduced, FY 1986....Ch. 1 - 3
Docket, submitted to Governor, deleted....Ch. 6 - 44
Presentence report on appeals, from Dist Court....Ch.124 - 325

ATTORNEYS Chapter - Page
Civil actions, fees, threshold amount increased.....Ch.205 - 511
Magistrate, judge, Supreme Court upgrade, when.....Ch.284 - 707
Prosecuting, deputy, salaries, cap removed.....Ch.139 - 375
Victims of crimes, fees, granted, provisions.....Ch.337 - 824
AUCTIONS AND AUCTIONEERS
Firearms, abandoned/unclaimed, disposal of.....Ch.136 - 365
Property, private, abandoned, disposal of.....Ch.136 - 365
AUDITOR
Legislative, approp.....Ch.228 - 616
Legislative, approp, reduced, FY 1986.....Ch. 1 - 3
State, approp.....Ch.189 - 485
State, approp, additional.....Ch.190 - 487
State, approp, data center, additional.....Ch. 65 - 187
State, approp, reduced, FY 1986.....Ch. 1 - 3
State, approp, transferred to Agriculture Dept.....Ch. 37 - 120
AUDITS
School Dists, annual, filing date established.....Ch. 47 - 137
BANKS AND BANKING
Affiliated banks, defined.....Ch. 55 - 162
Bd of Directors, removal provided, procedures.....Ch.316 - 780
Credit union, contract w/ID Credit Union League.....Ch.237 - 648
Stock, capital, purchase own, when.....Ch. 58 - 167
Trust fund, common, estab, invest, affiliated bank.....Ch. 55 - 162
BAR, IDAHO STATE
Employees, exempt, classified service.....Ch.204 - 509
BARTENDERS
Definition deleted.....Ch. 36 - 108
Dram shop/social host liability, prohibited.....Ch.285 - 707
Dram shop/social host liable, cause/action, when.....Ch.285 - 707
BEANS
Comm, approp.....Ch.154 - 441
BEEF
Council, conform, fed promotion & research order.....Ch.246 - 665
BEER
See also LIQUOR
Sales, hours extended, Sundays/holidays, county opt.....Ch.223 - 609
Tax, failure to pay, penalty repealed.....Ch.176 - 467
Tax, revenue distribution, refund payments.....Ch. 73 - 201
BIDS
Public, Port Dist purchasing procedures, required.....Ch.118 - 312
Public works project, officer, violation, penalty.....Ch.293 - 738
BLIND
Comm, approp.....Ch.170 - 457
Comm, approp, maintenance projects.....Ch.334 - 819
Comm, approp, reduced, FY 1986.....Ch. 1 - 3
Comm, Federal Act Amendments, accepted.....Ch.341 - 845
Deaf & Blind School, approp.....Ch.163 - 450
Deaf & Blind School, approp, bond payoff.....Ch.334 - 819
Deaf & Blind School, approp, certain reduced.....Ch. 1 - 3
BOATS
Definitions provided.....Ch.207 - 515

BOATS (Continued) Chapter - Page
DUI, conviction, penalties.....Ch.291 - 733
Fees, permits, use.....Ch.207 - 515
Fees, various, distribution.....Ch.207 - 515
Idaho Safe Boating Act.....Ch.207 - 515
Identification numbers required, when.....Ch.207 - 515
Operation, DUI, penalties.....Ch.291 - 733
State Vessel Account, created.....Ch.207 - 515
Unlawful acts, penalties.....Ch.207 - 515
Waterways Committee, created.....Ch.207 - 515
BOISE STATE UNIVERSITY
See COLLEGES AND UNIVERSITIES
BONDS
Government security, in lieu/surety, pub works con.....Ch. 67 - 189
Industrial development, public corp, surplus fees.....Ch. 29 - 82
Investments, public funds, authority to invest.....Ch. 88 - 257
Negotiable coupon, Highway Dist, authority.....Ch.327 - 802
BRANDS
Inspections, approp.....Ch.226 - 613
Inspector, tax, Beef Council promotion, collect.....Ch.246 - 665
BROADCASTING
See PUBLIC BROADCASTING
BUDGETS
Health Dist, general state aid.....Ch. 64 - 185
Taxing Dist, requests, limits.....Ch.343 - 850
BUILDINGS
Authority, state, investments, types allowed.....Ch.150 - 434
Code Advisory Bd, compensation increased.....Ch.304 - 755
ISU, Liberal Arts, renovation, approp.....Ch.334 - 819
BUSES
School, illegal passing, motor vehicle owner liable.....Ch.320 - 787
BUSINESS
Financial info disclosed, child support, when.....Ch.152 - 438
Records, submit, Commerce Dept, confiden, certain.....Ch.104 - 291
CAMPAIGNS
Finance report, Supreme/Dist Court Judge candidate.....Ch.218 - 554
CANDIDATES
Judges, Supreme/Dist Court, campaign finance report.....Ch.218 - 554
CARE FACILITIES
See HOSPITALS, NURSING HOMES
CATTLE
See LIVESTOCK
CEMETERIES
National, established in Idaho, veterans.....SJM108 - 894
CHICKPEAS
See AGRICULTURE
CHILD PROTECTIVE ACT
Home removal petitions, efforts to prevent.....Ch.121 - 319
CHILDREN
Adult & ADC Assistance Program, approp.....Ch.229 - 617
"Anchor House", contribution, income tax credit.....Ch.141 - 398
Auditory/visual impair, doctor report, repealed.....Ch. 86 - 250

CHILDREN (Continued) Chapter - Page
Child Protective Act, petitions.....Ch.121 - 319
Home removal petitions, efforts to prevent.....Ch.121 - 319
Statements, out-of-court, admissible, when.....Ch.195 - 493
Statements, sexual/physical abuse, admissible.....Ch.196 - 493
Support enforcement, certain actions allowed.....Ch.221 - 584
Support enforcement, collection actions, certain.....Ch.144 - 401
Support enforcement, definitions expanded.....Ch.144 - 401
Support, financial information disclosed.....Ch.152 - 438
Support, financial information disclosed, business.....Ch.152 - 438
Support payments, employers responsibilites.....Ch.222 - 593
Support payments, income withheld.....Ch.222 - 593
Trust Acct, tax, revenue distribution.....Ch. 73 - 201
Youth Rehab Act, adult psychiatric unit, commit.....Ch. 84 - 243
Youth Rehab Act, disposition hearing, report reqs.....Ch. 76 - 233
Youth Services Center, approp.....Ch.229 - 617
CHURCHES
Insurance code, excluded from regulation.....Ch.119 - 313
CIGARETTES
Wholesaler, permit required, penalties.....Ch.193 - 489
CITIES
Government, mandated programs, legis study com.....SCR120 - 873
Government, mandated programs, legis study com.....SCR124 - 875
Law enforcement, contract with governmental agency.....Ch.333 - 817
Recorder's fees.....Ch. 14 - 55
Tax, nonproperty, local option, refund payments.....Ch. 73 - 201
Tort Claims Act, define, political subdivision.....Ch.214 - 548
CIVIL ACTIONS
Attorneys, fees, threshold amount increased.....Ch.205 - 511
Log scaling, enforcement, penalties provided.....Ch.243 - 660
Tort liability, motor vehicles, increased.....Ch. 96 - 274
COLLEGE OF SOUTHERN IDAHO
See COLLEGES AND UNIVERSITIES
COLLEGES AND UNIVERSITIES
Approp.....Ch.273 - 696
Approp, reduced, FY 1986.....Ch. 1 - 3
BSU, approp.....Ch.273 - 696
BSU, approp, reduced, FY 1986.....Ch. 1 - 3
BSU, handicapped accessibility, approp.....Ch.334 - 819
CSI, approp, reduced, FY 1986.....Ch. 1 - 3
Educ, Bd, register, courses provided, in/out state.....Ch. 31 - 101
ISU, approp.....Ch.273 - 696
ISU, approp, reduced, FY 1986.....Ch. 1 - 3
ISU, handicapped accessibility, approp.....Ch.334 - 819
ISU, Indust-Vocational Arts Bldg renovate, approp.....Ch.334 - 819
ISU, Liberal Arts Building renovation, approp.....Ch.334 - 819
ISU, Museum, Natural History, created, established.....Ch.239 - 651
Junior, Dist, social security payment.....Ch.252 - 673
Junior, legislative study committee.....SCR125 - 876
Junior, support, Education Bd, approp.....Ch.252 - 673
LCSC, approp.....Ch.273 - 696
LCSC, approp, reduced, FY 1986.....Ch. 1 - 3

COLLEGES AND UNIVERSITIES (Continued) Chapter - Page
LCSC, handicapped accessibility, approp.....Ch.334 - 819
Matriculation fees, not instruction costs.....Ch. 34 - 105
Medical/Dental Education Programs, approp.....Ch.262 - 681
NIC, approp, reduced, FY 1986.....Ch. 1 - 3
Public Broadcasting, approp.....Ch.266 - 691
Tuition, defined.....Ch. 34 - 105
Tuition waived, certain nonresidents.....Ch. 32 - 103
Tuition waived, certain undergrad req deleted.....Ch. 32 - 103
UofI, approp.....Ch.273 - 696
UofI, approp, Agricultural Research Program.....Ch.259 - 678
UofI, approp, Cooperative Extension Service Program.....Ch.259 - 678
UofI, approp, handicapped accessibility.....Ch.334 - 819
UofI, approp, Library basement remodel.....Ch.334 - 819
UofI, approp, programs, certain, reduced, FY 1986.....Ch. 1 - 3
UofI, approp, reduced, FY 1986.....Ch. 1 - 3
UofI, approp, WOI Regional Program, Vet Med Prog.....Ch.261 - 680
UofI Bd of Regents, WAMI Medical Educ Prog, approp.....Ch.258 - 678
UofUtah, PSEP, WICHE, approp, Medical Programs.....Ch.262 - 681
COMMERCE
Dept, approp.....Ch.283 - 706
Dept, business records, confidential, certain.....Ch.104 - 291
COMMISSIONS
Bicentennial Constitutional, Acct created, approp.....Ch.153 - 439
Bicentennial Constitutional, created.....Ch.153 - 439
Bicentennial Constitutional, duties.....Ch.153 - 439
COMMITTEES
City/county gov't, mandated programs, legis study.....SCR120 - 873
Colleges, junior, legislative study.....SCR125 - 876
Dental peer review, liability, immune.....Ch.331 - 815
Food stamps, PL 99-198, Legislative Council study.....HCR63 - 888
Ground water resources, Legislative Council study.....SCR119 - 872
Hospital peer review, established.....Ch. 95 - 273
Legislative, personnel matters, established.....Ch.123 - 324
Supervisory, credit unions, contract w/ID League.....Ch.237 - 648
Textbook adoption, appointed.....Ch.302 - 752
COMMODITY COMMISSIONS
Approp.....Ch.154 - 441
COMPUTERS
Software, tangible personal property, defined.....Ch.192 - 488
CONSERVATION
Dists, soil, elections, when.....Ch.179 - 469
Environmental law enforcement, H&W Dept, duties.....Ch. 60 - 169
CONSTITUTIONAL AMENDMENTS
Article III, Section 2, proposed.....HJR4 - 869
Article III, Section 4, proposed.....HJR4 - 869
Article III, Section 5, proposed.....HJR4 - 869
Article IV, Section 7, proposed.....SJR107 - 867
Article XVIII, Section 6, proposed.....SJR102 - 866
CONTRACTORS
Public works, gov't security in lieu/surety bond.....Ch. 67 - 189
Public Works, State License Bd, approp, additional.....Ch. 12 - 53

CONTRACTS Chapter - Page
Farm machinery, parol provided for.....Ch.248 - 668
Insurance, director, cancel/nonrenewals, powers.....Ch.310 - 761
Insurance, policies, block cancel/nonrenewals.....Ch.310 - 761
Sales tax increased, exempt, when, H698 amended.....Ch.224 - 610
Sales tax increased to 5%, exempt, when.....Ch. 39 - 121
CONTROLLED SUBSTANCES ACT
Drugs, nonnarcotic, Schedule I, possess, penalty.....Ch.286 - 709
Forfeitures, additional property included.....Ch.286 - 709
Forfeitures, certain property included.....Ch.286 - 709
Law violation, restitution, investigation expense.....Ch.286 - 709
Marijuana, burned on-site, when.....Ch.286 - 709
COOPERATIVE MARKETING
See MARKETING
CORONERS
County, 4 year term.....SJR102 - 866
CORPORATIONS
Nonprofit, county-owned hospitals, leases, transfer.....Ch.240 - 652
Nonprofit, income tax, exempt, when.....Ch. 18 - 59
Nonprofit, number, directors, reference deleted.....Ch.178 - 468
Public, certain, surplus fees, use.....Ch. 29 - 82
Takeovers, procedures, penalties.....Ch.149 - 425
Tax, income, exempt, when.....Ch. 18 - 59
Tax, unitary, Water's Edge Election.....Ch.342 - 846
CORRECTION
Dept, approp.....Ch.250 - 671
Dept, approp, maintenance projects.....Ch.334 - 819
Dept, approp, reduced, FY 1986.....Ch. 1 - 3
CORRECTIONAL INSTITUTIONS
Approp.....Ch.250 - 671
Prisoners, foreign, transfer, when.....Ch. 77 - 235
Prisoners, indigent, benefits, needs determined.....Ch.115 - 307
COUNTIES
Elections, decennial, highway admin, repealed.....Ch. 98 - 276
Fire Protection Dist, 2 or more counties, provis.....Ch.137 - 367
Government, mandated programs, legis study com.....SCR120 - 873
Government, mandated programs, legis study com.....SCR124 - 875
Highway Dist, MV registration fees, voter approve.....Ch.260 - 679
Hospitals, lease transfers, nonprofit corporations.....Ch.240 - 652
Liquor, sales, hours extended, Sunday/holiday.....Ch.223 - 609
Tort Claims Act, def, pol subdivision, expand.....Ch.214 - 548
COURTS
Bail, altered pending appeal, prohibited.....Ch.125 - 326
Child support enforcement, certain actions allowed.....Ch.221 - 584
Child support payments, employers responsibilities.....Ch.222 - 593
Child support payments, income withheld.....Ch.222 - 593
Children, statements, out-of-court, admissible.....Ch.195 - 493
Children, statements, sexual/physical abuse.....Ch.196 - 493
Crime victim restitution, defendant, pay, date.....Ch.197 - 494
Dist, approp.....Ch.284 - 707
Dist, fees, typo corrected.....Ch.103 - 290
Dist, presentence report on appeal to Atty Gen.....Ch.124 - 325

COURTS (Continued) Chapter - Page
Judges, allegation against/Jud Council investigate.....Ch. 89 - 260
Judicial Council, approp.....Ch.284 - 707
Jurors, officials authority to excuse.....Ch.295 - 742
Magistrate, judge, attorney, Supreme Court upgrade.....Ch.284 - 707
Magistrates Division, approp.....Ch.284 - 707
Officials, authority to excuse jurors.....Ch.295 - 742
Supreme, approp.....Ch.284 - 707
Supreme, approp, reduced, FY 1986.....Ch. 1 - 3
Supreme, Snake River adjudication, judicial expense.....Ch.271 - 694
CREDIT
Income tax, ID Educ Pub Broadcast Sys Foundation.....Ch.219 - 557
Security interests, UCC, farm products.....Ch.338 - 834
CREDIT UNIONS
Depositories, eligible as.....Ch. 74 - 220
Supervisory com, contract w/ID Credit Union League.....Ch.237 - 648
CRIMINAL OFFENSES & PROCEDURES
Accountants, titles, use of certain, prohibited.....Ch.128 - 331
Appeals, direct, issues not raised, forfeited.....Ch.126 - 326
Arrests, use of deadly force by officer.....Ch.303 - 754
Bail, courts altered pending appeal, prohibited.....Ch.125 - 326
Boats, unlawful acts, penalties.....Ch.207 - 515
Crime Committee in Idaho, proof required.....Ch.289 - 727
Crime Committee in Idaho, venue, jurisdiction.....Ch.289 - 727
Crime Victims Compensation Acct, created.....Ch.337 - 824
Dram shop/social host liable, cause/action, when.....Ch.285 - 707
Driver, motor vehicle, elude police officer, felony.....Ch.208 - 531
Drug law violation, forfeitures, add'l property.....Ch.286 - 709
Drug law violation, forfeitures, property destroyed.....Ch.286 - 709
Drug law violation, restitution, investigation.....Ch.286 - 709
Drugs, nonnarcotic, Schedule I, possess, penalty.....Ch.286 - 709
DUI, boat operation, penalties.....Ch.291 - 733
Felonies, fines provided.....Ch.312 - 763
Hazardous waste, restricted, disposal, prohibited.....Ch.324 - 794
Littering on highways, fine increased.....Ch.298 - 747
Parole, minimum requirements removed, when.....Ch.232 - 638
Presentence report, Dist Court, to Atty Gen.....Ch.232 - 638
Prisoners, foreign, transfer, when.....Ch. 77 - 235
Probation, time period may equal sentence.....Ch.311 - 762
Sentence, extended, deadly weapon/firearm used.....Ch.319 - 784
Sentence, good conduct reduction, repealed.....Ch.322 - 789
Sentence, meritorious reduction of.....Ch.322 - 789
Sentence, unified, described.....Ch.232 - 638
Victims of crime, bodily injury, compensation.....Ch.337 - 824
Victims of crime, restitution, date.....Ch.197 - 494
CYSTIC FIBROSIS
See DISEASES
DAIRY PRODUCTS
See AGRICULTURE, MILK & MILK PRODUCTS
DEATH
Life support, withdrawn, directive, power/attorney.....Ch. 71 - 196
Natural Death Act, directive, durable power/atty.....Ch. 71 - 196

DEATH (Continued) Chapter - Page
Natural directive, durable power of attorney.....Ch. 71 - 196
DENTISTS AND DENTISTRY
Committee, peer review, liability, immune.....Ch.331 - 815
Dental specialist, defined.....Ch. 35 - 108
Dentistry, Bd, approp.....Ch. 72 - 199
Dentistry, Bd, powers & duties.....Ch. 35 - 108
Educ Prog, Colleges & Universities, certain, approp.....Ch.262 - 681
Fees, application for examination.....Ch. 35 - 108
Licenses, fees established.....Ch. 35 - 108
Licenses, revocation, suspension, grounds.....Ch. 35 - 108
DEPOSITORIES
Credit unions, eligible as.....Ch. 74 - 220
Designated, definition expanded.....Ch. 74 - 220
Public, Investment Bd, supervision of, repealed.....Ch.116 - 308
DISABLED
BSU, handicapped accessibility, approp.....Ch.334 - 819
Children, aud/vis impair, doctor report, repealed.....Ch. 86 - 250
Community Developmental Disability Services, approp.....Ch.229 - 617
Deaf & Blind School, approp.....Ch.163 - 450
Deaf & Blind School, approp, bond payoff.....Ch.334 - 819
Deaf & Blind School, approp, bond payoff, dec.....Ch.335 - 821
Deaf & Blind School, approp, reduced, FY 1986.....Ch. 1 - 3
Developmental Disabilities Council, representation.....Ch. 28 - 81
Institutional Developmental Disability Serv, approp.....Ch.229 - 617
ISU, handicapped accessibility, approp.....Ch.334 - 819
LCSC, handicapped accessibility, approp.....Ch.334 - 819
Mentally retarded, medicaid payments, certain.....Ch. 87 - 250
Parking, plate/card required, fine, enforcement.....Ch.238 - 649
Person, defined, hunting, special permits.....Ch. 75 - 231
Person, F&G license, expiration date.....Ch. 5 - 43
Rehabilitation Act Amendments, accepted.....Ch.341 - 845
Shelter homes, specialized, defined.....Ch.340 - 844
UofI, handicapped accessibility, approp.....Ch.334 - 819
DISASTERS
Interstate mutual aid compacts, intergov't arrange.....Ch.107 - 294
DISEASES
AIDS, test required, semen donations.....Ch.111 - 304
Animals, brucellosis, tag, unlawful use, penalty.....Ch.102 - 288
Cystic fibrosis, services, over 21 years, limited.....Ch. 38 - 121
Renal, Program, approp.....Ch.263 - 682
Venereal, AIDS classified.....Ch. 70 - 195
DISTRICTS
See also SCHOOL DISTRICTS
Drainage, commissioners comp, mileage allowance.....Ch. 62 - 179
Fire Protection, commissioner, temp replacement.....Ch.317 - 782
Fire Protection, 2 or more counties, provisions.....Ch.137 - 367
Flood Control, aggregate disposal.....Ch.142 - 399
Health, approp.....Ch.276 - 700
Health, general state aid.....Ch. 64 - 185
Highway, county, system, validation.....Ch.206 - 512
Highway, county-wide, MV regis fees, voter approve.....Ch.260 - 679

DISTRICTS (Continued) Chapter - Page
Highway, coupon bonds, authority, negotiate.....Ch.327 - 802
Highway, public status withdrawn, procedures.....Ch.206 - 512
Junior College, social security payment.....Ch.252 - 673
Library, dissolution, when.....Ch. 21 - 62
Port, purchasing procedures, public bid required.....Ch.118 - 312
Soil Conservation, elections, when.....Ch.179 - 469
Taxing, budget requests, limits.....Ch.343 - 850
Taxing, prompt payment, goods/services.....Ch.200 - 499
Taxing, tax anticipation notes issued, when.....Ch. 33 - 104
TV Translator, treasurer bonded.....Ch. 94 - 272
Water, political subdivision of state.....Ch. 78 - 236
Water/Sewer, elections not required, when.....Ch. 83 - 242
DOCTORS
See PHYSICIANS AND SURGEONS
DOCUMENTS
English or certified translation required, certain.....Ch.282 - 705
DOGS
See ANIMALS
DOMESTIC RELATIONS
Child support, enforcement, definitions expanded.....Ch.144 - 401
Child support, financial info disclosed, business.....Ch.152 - 438
Child support, financial info disclosed, when.....Ch.152 - 438
Support enforcement, collection actions, certain.....Ch.144 - 401
DREDGE MINING
See MINES AND MINING
DRIVERS
See also MOTOR VEHICLES
DUI, aggravated, manditory restitution.....Ch.201 - 501
DUI, boat operation, penalties.....Ch.291 - 733
DUI, treatment, evaluator to recommend.....Ch.201 - 501
License, renewal, armed forces member, family.....Ch.326 - 801
License suspended, illegally passing school bus.....Ch.320 - 787
License suspended, not reinstated, infrac not pd.....Ch.203 - 506
License suspended/revoked, flee, elude policemen.....Ch.208 - 531
DRUGS
Controlled substances, additional.....Ch.209 - 534
Controlled substances, excluded, certain.....Ch.209 - 534
DUI, aggravated, manditory restitution.....Ch.201 - 501
DUI, treatment, evaluator to recommend.....Ch.201 - 501
Enforcement Acct, tax, revenue distribution.....Ch. 73 - 201
Enforcement Donation Acct, private donations.....Ch.286 - 709
Forfeitures, additional property included.....Ch.286 - 709
Forfeitures, certain property included.....Ch.286 - 709
Law violation, restitution, investigation expense.....Ch.286 - 709
Marijuana, burned on-site, when.....Ch.286 - 709
Nonnarcotic, Schedule I, possess, penalty.....Ch.286 - 709
Substance Abuse Services, approp.....Ch.229 - 617
ECONOMIC AND COMMUNITY AFFAIRS
Division, approp, reduced, FY 1986.....Ch. 1 - 3

EDUCATION Chapter - Page
See also COLLEGES AND UNIVERSITIES, VOCATIONAL EDUCATION
Agriculture in Idaho Program Account, created.....Ch. 85 - 248
Bd, approp.....Ch.185 - 482
Bd, approp, BSU, handicapped accessibility.....Ch.334 - 819
Bd, approp, Colleges & Universities.....Ch.273 - 696
Bd, approp, Deaf & Blind School.....Ch.163 - 450
Bd, approp, Historical Society.....Ch.162 - 449
Bd, approp, ISU, Deaf & Blind School, bond payoff.....Ch.334 - 819
Bd, approp, ISU, handicapped accessibility.....Ch.334 - 819
Bd, approp, ISU, Indust-Vocation Art Bld, renovate.....Ch.334 - 819
Bd, approp, ISU, Liberal Arts Building renovation.....Ch.334 - 819
Bd, approp, junior college support.....Ch.252 - 673
Bd, approp, LCSC, handicapped accessibility.....Ch.334 - 819
Bd, approp, maintenance projects.....Ch.334 - 819
Bd, approp, medical/dental programs.....Ch.262 - 681
Bd, approp, office, administration.....Ch.251 - 672
Bd, approp, Public Broadcasting.....Ch.266 - 691
Bd, approp, reduced, FY 1986.....Ch. 1 - 3
Bd, approp, State Library Bd.....Ch.256 - 676
Bd, approp, UofI, handicapped accessibility.....Ch.334 - 819
Bd, approp, UofI, Library basement remodel.....Ch.334 - 819
Bd, approp, Vocational Education.....Ch.227 - 614
Bd, approp, Vocational Rehabilitation.....Ch.263 - 682
Bd, approp, Vocational Rehabilitation, add'l.....Ch. 10 - 52
Bd, powers & duties.....Ch. 31 - 101
Bd, register of courses provided, in/out of state.....Ch. 31 - 101
Bd, School Dists, audit report, filing date estab.....Ch. 47 - 137
Deaf & Blind School, bond payoff, approp decreased.....Ch.335 - 821
Dept, approp.....Ch.158 - 445
Medical/Dental Programs, approp.....Ch.262 - 681
Scholarships and grants, approp.....Ch.251 - 672
Schools, public, approp.....Ch.335 - 821
Schools, public, Education, Bd, approp.....Ch.335 - 821
Schools, public, Employee Retirement Acct, approp.....Ch.335 - 821
Schools, public, Income Fund, approp.....Ch.335 - 821
Schools, public, Social Security Trust Acct, approp.....Ch.335 - 821
Schools, public, Unemployment Insurance, approp.....Ch.335 - 821
Schools, subdistricts created, when.....Ch. 61 - 177
Support Program, total dist allowance/nearest 10th.....Ch. 45 - 130
Textbook Adoption Com, appointed.....Ch.302 - 752
UofI Bd of Regents, WAMI Medical, Program, approp.....Ch.258 - 678
ELECTIONS
County, coroners, every 4 years.....SJR102 - 866
County, decennial, highway administration, repealed.....Ch. 98 - 276
Fire Protection Dist, 2 or more counties, provis.....Ch.137 - 367
Judge, Supreme/Dist Court candidate, finance report.....Ch.218 - 554
Petition, nominate, signatures, no verification.....Ch.183 - 480
Polls, prohibited practices, fines.....Ch. 97 - 275
Recall, school trustees, proceedings.....Ch.348 - 856
Soil Conservation Dists, when.....Ch.179 - 469
Water/Sewer Dist, not required, when.....Ch. 83 - 242

ELECTRIC POWER Chapter - Page
License tax, no refund.....Ch. 73 - 201
ELECTRICAL
Contractors/journeyman, license fee increased.....Ch.191 - 487
Contractors/journeyman, license renewal, date.....Ch.307 - 758
Electrician, apprentice, registration fees.....Ch.309 - 760
Electrician, master journeyman, defined.....Ch.296 - 742
Inspectors, qualifications.....Ch.308 - 759
Specialty electrician license created, fee.....Ch.191 - 487
ELECTRICAL BOARD
Compensation increased.....Ch.305 - 756
ELECTRICITY
Kilowatt hour license tax, reported quarterly.....Ch. 91 - 268
EMPLOYEES AND EMPLOYMENT
Employees, actuarial amortization period, reduced.....Ch.146 - 408
Employees, exempt, defined.....Ch.133 - 341
Employees, nonclassified, defined.....Ch.133 - 341
Employers, deficit, contribution rates.....Ch. 23 - 68
Employers, deficit, contribution rates, experience.....Ch. 24 - 71
Employers, deficit, rate class, new.....Ch. 23 - 68
Fair Labor Standards Act, exemptions.....Ch.133 - 341
Insurance, retired personnel, administrator.....Ch.150 - 434
Investment Bd, assistant manager employed, salary.....Ch. 68 - 193
Investment Bd, assistant manager, Governor approve.....Ch. 68 - 193
Overpayments, benefits, uncollectable, when.....Ch. 24 - 71
Personnel matters, legislative comm established.....Ch.123 - 324
Public, Retirement, approp.....Ch.156 - 443
Retirement sys, contrib rates, employers percent.....Ch.143 - 399
State Bar, exempt, classified service.....Ch.204 - 509
State, grievance procedures, appeal.....Ch.127 - 327
State, grievance procedures, appeal.....Ch.134 - 355
Tips included as wages.....Ch. 25 - 77
Wages, definition expanded, tips included.....Ch. 25 - 77
EMPLOYMENT SECURITY LAW
Deficit employers, contribution rates.....Ch. 23 - 68
Deficit employers, contribution rates, experience.....Ch. 24 - 71
Deficit employers, rate class, new.....Ch. 23 - 68
Overpayments, benefits, uncollectable, when.....Ch. 24 - 71
Tips included as wages.....Ch. 25 - 77
Unemployment benefits denied, when.....Ch. 22 - 63
Wages, definition expanded, tips included.....Ch. 25 - 77
ENDOWMENT FUND
Investment Bd, approp.....Ch.156 - 443
Investment Bd, approp.....Ch.274 - 697
ENERGY
Kern River Pipeline Project encouraged.....HJM15 - 895
ENGINEERS
Examiners Bd, approp.....Ch. 72 - 199
Professional, Licensing Act.....Ch.140 - 375
ENGLISH
Documents, certain required/certified translation.....Ch.282 - 705

ENVIRONMENT Chapter - Page
Air pollution, H&W rules, PCB burning.....SCR126 - 877
Air Quality Program, H&W, Dept, approp.....Ch.229 - 617
Division, H&W, Dept, approp.....Ch.229 - 617
Hazardous waste disposal, protection.....Ch.148 - 415
Law, violation, penalty increased.....Ch. 60 - 169
Pacific Fish Leg Task Force, Leg Council appt mem.....Ch. 50 - 144
EPILEPSY
Idaho, League, exempt, sales tax.....Ch.120 - 314
EXAMINERS BOARD
Drainage Dist Commissioner comp, mileage allowance.....Ch. 62 - 179
Meeting, regular, provided.....Ch.321 - 788
Pest control, deficiency warrants issued.....Ch.181 - 478
EXECUTIVE ORDERS
85-6 thru 85-33 903
86-2 thru 86-8 954
FARMING
See AGRICULTURE
FEDERAL LAWS
Rehabilitation Act Amendments, accepted.....Ch.341 - 845
FEES
Animal damage control, increased, distribution.....Ch.177 - 467
Appraisal, state land/timber, eliminated.....Ch.114 - 306
Attorneys, civil actions, increased.....Ch.205 - 511
Attorneys, victims of crime, granted, provisions.....Ch.337 - 824
Boat, various, distribution.....Ch.207 - 515
Court, Dist, typo corrected.....Ch.103 - 290
Dentistry, Bd, license established.....Ch. 35 - 108
Electrical contractors/journeyman, license.....Ch.191 - 487
Electrician, apprentice, registration.....Ch.309 - 760
Electrician, master journeyman, license.....Ch.296 - 742
Electrician, specialty, license created.....Ch.191 - 487
Emergency medical services, increased.....Ch.267 - 692
F&G, fishing, nonresident, 3-day.....Ch.244 - 662
F&G, license, lifetime.....Ch. 52 - 149
F&G, license, nonresident, increased.....Ch. 7 - 46
F&G, license, nonresident, 2 day, certain game.....Ch. 16 - 56
Filing, foreign limited partnerships, removed.....Ch.108 - 297
Hunting, license, nonresident, falconry.....Ch.138 - 373
Hunting permits, disabled persons.....Ch. 75 - 231
Landscape architects, examination, increased.....Ch. 53 - 156
License plates, statehood centennial.....Ch.211 - 545
Matriculation, not considered instruction costs.....Ch. 34 - 105
Motor veh regis, cnty-wide Hwy Dist, voter approve.....Ch.260 - 679
Motor vehicles, license plates, increased.....Ch.292 - 736
Motorbikes, off-highway, increased.....Ch.233 - 641
Optometrist license, renewal, increased.....Ch.109 - 299
Parks & Recreation Acct, depositied.....Ch.270 - 694
Recorders, City.....Ch. 14 - 55
Snowmobile registration, increased.....Ch.323 - 790
Steelhead/salmon permits, increased.....Ch.294 - 739
Trailers/semitrailers, operating.....Ch.135 - 362

FEES (Continued) Chapter - Page
Water rights licensing, required, schedule.....Ch.242 - 657
FELONS
See CRIMINAL OFFENSES AND PROCEDURES
FINANCE
Dept, approp.....Ch.184 - 481
Finance-Appropriations Committee, approp.....Ch.228 - 616
FINANCIAL MANAGEMENT
Cooperative Marketing Association, revolving fund.....Ch. 4 - 41
Division, approp.....Ch.255 - 676
Division, approp, reduced, FY 1986.....Ch. 1 - 3
FINES
Elections, polls, prohibited practices.....Ch. 97 - 275
Felonies, provided.....Ch.312 - 763
Littering on highways, increased.....Ch.298 - 747
Parking, handicapped, plate/card required, enforce.....Ch.238 - 649
Public health laws, violation, increased.....Ch. 63 - 180
FIRE
Protection Dist, commissioner, temp replacement.....Ch.317 - 782
Protection Dist, 2 or more counties, provisions.....Ch.137 - 367
FIREARMS
Abandoned/unclaimed, disposal of, auction.....Ch.136 - 365
Products liability, not deemed defective, when.....Ch.216 - 553
Shells, prohibited material.....SCR121 - 874
Shells, steel shot, regulations, certain.....SCR121 - 874
Use of, sentence extended.....Ch.319 - 784
FIREWOOD
See WOOD
FISH AND GAME
Comm, disabled person, hunting.....Ch. 75 - 231
Comm, lands, motor vehicles, agreements.....Ch.288 - 724
Dept, approp.....Ch.186 - 482
Hunt, control, land owners, add'l permits issued.....Ch.329 - 809
Hunting dogs, use of, prohibited, when.....Ch.297 - 745
Hunting, nonresident, falconry license, fees.....Ch.138 - 373
Hunting permit, disabled persons, special.....Ch. 75 - 231
License, disabled person, expiration date.....Ch. 5 - 43
License, fishing, nonresident, 3-day, fee.....Ch.244 - 662
License, lifetime, established, requirements, fees.....Ch. 52 - 149
License, nonresident, fees increased.....Ch. 7 - 46
License, nonresident, 2 day, certain game, fees.....Ch. 16 - 56
License, resident defined.....Ch. 49 - 141
License, senior citizens, residency requirements.....Ch. 51 - 145
Outfitters, tags, deer/elk, set aside.....Ch.235 - 646
Pacific Fish Leg Task Force, Leg Council appt mem.....Ch. 50 - 144
Steelhead/salmon permits, fee increased.....Ch.294 - 739
Tags, nonresident, fees increased.....Ch. 7 - 46
Tags, nonresident, Outfitters, set aside.....Ch.235 - 646
Tax, revenue distribution.....Ch. 73 - 201
FLOODS
Control Dist, aggregate disposal.....Ch.142 - 399

FOOD Chapter - Page
Stamps, PL 99-198, Legislative Council study com.....HCR63 - 888
FORESTS AND FORESTRY
Firewood gatherers, land owner exempt, liability.....Ch.194 - 492
Forest Practices Act, administration & enforcement.....Ch.241 - 653
Scaling Bd, state, references changed.....Ch.330 - 812
Scaling, certificate of registration, renewal.....Ch.330 - 812
Timber, state, appraisal fees.....Ch.114 - 306
Timber, state, appraisement, references deleted.....Ch.114 - 306
FRUIT
Apple Comm, approp.....Ch.154 - 441
Cherry Comm, approp.....Ch.154 - 441
FUELS
Gasohol, tax, reduced rate.....Ch.344 - 851
Motor, Tax Comm, interstate agreements, authority.....Ch.315 - 777
Tax, refunds, interest paid.....Ch.175 - 464
Tax, sales, exemptions, certain.....Ch.180 - 472
FUNDS
Public, investments, bonds, authority.....Ch. 88 - 257
Public School Income, approp.....Ch.335 - 821
Revolving, Cooperative Marketing Association, use.....Ch. 4 - 41
GAMBLING
Pari-mutuel wager, simulcast/TV races allowed.....Ch. 69 - 194
Slot machines, antique, possession, prohibit, when.....Ch. 8 - 48
GAS
See FUELS
GASOHOL
See FUELS
GENERAL SERVICES
Approp.....Ch.167 - 454
GEOLOGISTS AND GEOLOGY
Geologist Bd, approp.....Ch. 72 - 199
GOVERNMENT
City/county, mandated programs, legis study com.....SCR120 - 873
City/county, mandated programs, legis study com.....SCR124 - 875
Debt, surety bonds used.....Ch. 67 - 189
State, Taxing Dist, prompt payment, goods/services.....Ch.200 - 499
GOVERNOR
Attorney General, docket submitted, deleted.....Ch. 6 - 44
Disasters, intergovernmental arrangements.....Ch.107 - 294
Elect Transitional Acct, approp.....Ch.281 - 705
Executive orders, effective 4 years.....Ch.301 - 750
85-6 thru 85-33 903
86-2 thru 86-8 954
Office of, approp, additional.....Ch.253 - 674
Office of, approp, administration, residence.....Ch.188 - 484
Office of, approp, Aging, Office on.....Ch.254 - 675
Office of, approp, Blind Comm.....Ch.170 - 457
Office of, approp, Blind Comm, projects.....Ch.334 - 819
Office of, approp, certain, reduced, FY 1986.....Ch. 1 - 3
Office of, approp, Endowment Fund Investment Bd.....Ch.156 - 443
Office of, approp, Endowment Fund Investment Bd.....Ch.274 - 697

GOVERNOR (Continued) Chapter - Page
Office of, approp, Emergency Fund.....Ch.161 - 449
Office of, approp, Financial Management Division.....Ch.255 - 676
Office of, approp, General Services.....Ch.156 - 443
Office of, approp, Human Rights Comm.....Ch.257 - 677
Office of, approp, Idaho Centennial Comm.....Ch.166 - 453
Office of, approp, Insurance Fund.....Ch.156 - 443
Office of, approp, Liquor Dispensary.....Ch.156 - 443
Office of, approp, Military Division.....Ch.171 - 458
Office of, approp, Military Division, projects.....Ch.334 - 819
Office of, approp, Retirement System.....Ch.156 - 443
Residence, approp.....Ch.188 - 484
State of State Message.....HCR37 - 879
GUNS
See FIREARMS
HANDICAPPED
See DISABLED
HAZARDOUS SUBSTANCES
Disposal of, definitions.....Ch.324 - 794
Disposal, prohibited acts, protective measures.....Ch.148 - 415
Facilities, treat/store/disposal, permit required.....Ch.148 - 415
H&W, subsurface sewage disposal system, amended.....HCR47 - 883
Potliners defined as hazardous waste.....Ch.182 - 479
Program, H&W, Dept, approp.....Ch.229 - 617
Regulations, H&W Bd, rules.....Ch.148 - 415
Restricted, disposal, prohibited acts.....Ch.324 - 794
Transportation Enforcement Acct.....Ch.231 - 627
Transportation Enforcement Act, penalty.....Ch.231 - 627
Transportation of.....Ch.231 - 627
HEALTH
Bd, hazardous waste regulation, rules.....Ch.148 - 415
Dist Bd, director, powers & duties.....Ch. 63 - 180
Dist Bd, powers & duties.....Ch. 63 - 180
Dist Bd, rule making, procedures.....Ch. 17 - 58
Dist, general state aid.....Ch. 64 - 185
Dist, public, approp.....Ch.276 - 700
Division, approp.....Ch.229 - 617
Physical, Services, approp.....Ch.229 - 617
Public, laws, violation, fine increased.....Ch. 63 - 180
Public, Trust Acct, approp, reduced, FY 1986.....Ch. 1 - 3
Restaurants, sanitary regulations, certain.....Ch.314 - 776
HEALTH AND WELFARE
Child support enforcement, certain actions allowed.....Ch.221 - 584
Dept, approp, Adult & ADC Assistance Program.....Ch.229 - 617
Dept, approp, Air Quality Program.....Ch.229 - 617
Dept, approp, Community Developmental Disabilities.....Ch.229 - 617
Dept, approp, Community Mental Health Services.....Ch.229 - 617
Dept, approp, Community Rehabilitation Services.....Ch.229 - 617
Dept, approp, Community Rehabilitation Serv, addl.....Ch.173 - 463
Dept, approp, Eligibility Services Program.....Ch.229 - 617
Dept, approp, Emergency Medical Services.....Ch.229 - 617
Dept, approp, Emergency Medical Services, approp.....Ch.267 - 692

HEALTH AND WELFARE (Continued) Chapter - Page
Dept, approp, Environmental Division.....Ch.229 - 617
Dept, approp, Hazardous Materials Program.....Ch.229 - 617
Dept, approp, Health Division.....Ch.229 - 617
Dept, approp, Indirect Support Services.....Ch.229 - 617
Dept, approp, Institutional Developmental Disab.....Ch.229 - 617
Dept, approp, Institutional Mental Health Services.....Ch.229 - 617
Dept, approp, Laboratory Services.....Ch.229 - 617
Dept, approp, maintenance projects.....Ch.334 - 819
Dept, approp, Medical Assistance Payments.....Ch.229 - 617
Dept, approp, Medical Assistance Payments, add'l.....Ch. 15 - 56
Dept, approp, Physical Health Services.....Ch.229 - 617
Dept, approp, programs, certain, reduced, FY 1986.....Ch. 1 - 3
Dept, approp, Social Services Program.....Ch.229 - 617
Dept, approp, State Hospital North.....Ch.229 - 617
Dept, approp, State Hospital South.....Ch.229 - 617
Dept, approp, Substance Abuse Services.....Ch.229 - 617
Dept, approp, Veterans Services Program.....Ch.229 - 617
Dept, approp, Water Quality Program.....Ch.229 - 617
Dept, approp, Welfare Division.....Ch.229 - 617
Dept, approp, Youth Services Center.....Ch.229 - 617
Dept, duties, environmental law enforcement.....Ch. 60 - 169
Public Health Dists, approp.....Ch.276 - 700
Rules, agricultural field burning, promulgated.....Ch.325 - 797
Rules, air pollution, PCB burning, amended.....SCR126 - 877
Rules, indoor smoking, amended.....HCR52 - 884
Rules, sewage, subsurface disposal system, amended.....HCR47 - 883
Rules, wastewater treat facility grants, amended.....SCR109 - 871
HIGHER EDUCATION
See EDUCATION, COLLEGES AND UNIVERSITIES
HIGHWAYS
Designation, procedures.....Ch.206 - 512
Dist, county, elections, decennial, repealed.....Ch. 98 - 276
Dist, county, system, validation.....Ch.206 - 512
Dist, county-wide, MV regis fees, voter approve.....Ch.260 - 679
Dist, coupon bonds, authority, negotiate.....Ch.327 - 802
Farm machinery, slow moving, restrictions.....Ch.198 - 497
Hamer/Egin farm to market road, dispute resolved.....HCR59 - 887
Littering on, fine, increased.....Ch.298 - 747
Local, Needs Assessment Acct created.....Ch. 99 - 277
Local, Needs Assessment Council created.....Ch. 99 - 277
Mandates, certain, elimination urged.....HJM16 - 896
Motor vehicles, gross loads, allow weight limits.....Ch.172 - 458
Motor vehicles, load weight, maximum gross.....Ch.172 - 458
Motor vehicles, slow moving, defined.....Ch.198 - 497
Motor vehicles, slow moving, emblem identification.....Ch.198 - 497
Motor vehicles, slow moving, restrictions.....Ch.198 - 497
Terminology corrected.....Ch.328 - 803
Urban extensions, conflicting provision, struck.....Ch.328 - 803
HISTORIC SITES
Approp, reduced, FY 1986.....Ch. 1 - 3
Maintenance, approp.....Ch.162 - 449

HISTORICAL SOCIETIES Chapter - Page
State, approp....Ch.162 - 449
State, approp, reduced, FY 1986....Ch. 1 - 3
HOLIDAYS
Liquor by the drink, sales, certain, allowed....Ch.223 - 609
HOMES
Definitions expanded, words substituted....Ch. 30 - 84
Manufactured, substituted for mobile....Ch. 30 - 84
Modular, sale of, conditions....Ch. 30 - 84
Modular, substituted for manufactured....Ch. 30 - 84
Shelter, specialized, defined....Ch.340 - 844
HONEY
Advertising Comm, approp....Ch.277 - 700
HORSE RACING
Comm, approp....Ch.226 - 613
Pari-mutuel wager, simulcast/TV races allowed....Ch. 69 - 194
HOSPITALS
City/county, joint, Tort Claims Act, covered....Ch.214 - 548
County-owned, leases, transfer, nonprofit corps....Ch.240 - 652
Peer review committees, established....Ch. 95 - 273
State, North, approp....Ch.229 - 617
State, South, approp....Ch.229 - 617
State, South, psychiatric unit, approp....Ch.334 - 819
HOTELS AND MOTELS
Tax, revenue distribution, refund payments....Ch. 73 - 201
Waterfront resorts, liquor by the drink....Ch.145 - 407
HUMAN RIGHTS
Comm, approp....Ch.257 - 677
Comm, approp, reduced, FY 1986....Ch. 1 - 3
HUNTING
See FISH AND GAME
HYDROELECTRIC
Water rights, Snake River, subordination....Ch.117 - 308
HYDROPOWER
Loss, federal government compensation....SJM107 - 893
Water rights, Snake River, subordination....Ch.117 - 308
IDAHO NATIONAL ENGINEERING LABORATORY
Superconducting super collider, ID site urged....SJM105 - 890
IDAHO STATE UNIVERSITY
See COLLEGES AND UNIVERSITIES
INDIGENTS
Prisoners, benefits, needs determined....Ch.115 - 307
INDUSTRIAL COMMISSION
Approp....Ch.165 - 453
Salaries, members, fixed....Ch. 79 - 237
INDUSTRY
Development, public corporation, surplus fees, use....Ch. 29 - 82
INHERITANCE
Tax, overpayments transferred, accts, certain....Ch.345 - 852
Tax, revenue distribution, refund payments....Ch. 73 - 201
INSPECTORS AND INSPECTIONS
Brand, approp....Ch.226 - 613

INSPECTORS AND INSPECTIONS (Continued) Chapter - Page
Brand, tax, Beef Council promotion, collect.....Ch.246 - 665
Electrical inspectors, qualifications.....Ch.308 - 759
INSURANCE
Administrators, registration certif, requirement.....Ch. 41 - 125
Agent, license suspended in another state.....Ch. 40 - 124
Code, religious corporations excluded.....Ch.119 - 313
Contracts, block cancel/nonrenewals, director, duty.....Ch.310 - 761
Contracts, policies, block cancel/nonrenewals.....Ch.310 - 761
Countersignature policies.....Ch. 2 - 40
Dept, approp.....Ch.160 - 448
Dept, approp, adjustments.....Ch. 20 - 61
Idaho Life&Health, Guaranty Assn, $50 assess limit.....Ch. 43 - 127
Insurers, certificate of authority, criteria.....Ch. 42 - 126
Insurers, claims reports, required, penalty.....Ch. 54 - 159
Insurers, statistical reports, required, penalty.....Ch. 54 - 159
Insurers, surplus funds maintained.....Ch. 57 - 164
Management Division, approp.....Ch.167 - 454
Power of attorney, countersignature policies.....Ch. 2 - 40
Religious corporations, excluded from regulation.....Ch.119 - 313
Retired personnel, administrator, powers & duties.....Ch.150 - 434
State, Fund, approp.....Ch.156 - 443
Workmen's comp, reinsurance, limitation deleted.....Ch.112 - 305
INTEREST
Agriculture loans, certain, income tax deductions.....Ch.336 - 824
INVESTMENTS
Bd, assistant staff manager, employed, salary.....Ch. 68 - 193
Bd, assistant staff manager, Governor approve.....Ch. 68 - 193
Bd, public depositories, supervision of, repealed.....Ch.116 - 308
Public funds, authority, tax/income/rev obligation.....Ch. 88 - 257
State Building Authority, types allowed.....Ch.150 - 434
JUDGES
Allegation against, Judicial Council, investigate.....Ch. 89 - 260
Dist Court, candidates, campaign finance reports.....Ch.218 - 554
Judicial Council, approp.....Ch.284 - 707
Magistrate, attorney, Supreme Court upgrade, when.....Ch.284 - 707
Supreme Court, candidates, campaign finance reports.....Ch.218 - 554
JUDICIAL
Council, allegation against judge, investigate.....Ch. 89 - 260
JURIES
Jurors, authority to excuse.....Ch.295 - 742
Jurors, number examined, peremptory challenges.....Ch.202 - 505
JUVENILES
Auditory/visual impair, doctor report, repealed.....Ch. 86 - 250
Child Protective Act, petitions.....Ch.121 - 319
Child support, collection actions, certain allowed.....Ch.144 - 401
Child support, enforcement, certain actions allowed.....Ch.221 - 584
Child support, enforcement, definitions expanded.....Ch.144 - 401
Child support, financial info disclosed, business.....Ch.152 - 438
Child support, financial info disclosed, when.....Ch.152 - 438
Child support payments, employers responsibilities.....Ch.222 - 593
Child support payments, income withheld.....Ch.222 - 593

JUVENILES (Continued) Chapter - Page
Home removal petitions, efforts to prevent.....Ch.121 - 319
Statements, out-of-court, admissible, when.....Ch.195 - 493
Statements, sexual/physical abuse, admissible.....Ch.196 - 493
Youth Rehab Act, adult psychiatric unit, commit.....Ch. 84 - 243
Youth Rehab Act, disposition hearing, report reqs.....Ch. 76 - 233
LABOR AND INDUSTRIAL SERVICES
Definitions.....HCR45 - 881
Dept, approp.....Ch.164 - 451
Dept, approp, reduced, FY 1986.....Ch. 1 - 3
Dept, Building Code Advisory Bd, comp increased.....Ch.304 - 755
Dept, Plumbing Bd, compensation increased.....Ch.306 - 757
Dept, Safety Compliance Program, approp.....Ch.174 - 464
Electrical Bd, compensation increased.....Ch.305 - 756
Electricians, master journeyman, dir issue license.....Ch.296 - 742
LABORATORY
Services, approp.....Ch.229 - 617
LAND
Bd, Commissioners, surplus property, disposal of.....Ch.113 - 305
Dept, approp.....Ch.280 - 703
Dept, approp, additional.....Ch.253 - 674
Dept, approp, maintenance projects.....Ch.334 - 819
Dept, approp, reduced, FY 1986.....Ch. 1 - 3
Federal, transfer, state, public school support.....SJM106 - 891
Mineral deposits, rights in state, reserved.....Ch. 81 - 239
Motor vehicles, use on, certain, prohibited.....Ch.288 - 724
Owners, controlled hunts, add'l permits issued.....Ch.329 - 809
State, appraisement, timber references deleted.....Ch.114 - 306
State, mineral exploration, navigable river beds.....Ch.131 - 338
State, mineral leases, time, royalties.....Ch. 81 - 239
State, sale of, terms of payment.....Ch.130 - 336
Surplus, disposal of, notice of sale required.....Ch.113 - 305
Surplus, disposal of, Transportation Dept.....Ch.129 - 335
Surveyors, licensing act.....Ch.140 - 375
LANDSCAPE ARCHITECTS
Examination fee increased.....Ch. 53 - 156
LAW ENFORCEMENT
Arrests, use of deadly force.....Ch.303 - 754
City, contract with governmental agency.....Ch.333 - 817
Dept, approp.....Ch.226 - 613
Dept, approp, reduced, FY 1986.....Ch. 1 - 3
Officers, pursuing motor vehicles, elude, felony.....Ch.208 - 531
Policemen, retire, certain accouterment given, when.....Ch.215 - 549
Records, public, exemptions from disclosure.....Ch.210 - 543
LAWYERS
See ATTORNEYS
LEASES
Hospitals, county-owned, transfer, nonprofit, corps.....Ch.240 - 652
Mineral, state land, time, royalties.....Ch. 81 - 239
LEGISLATIVE AUDITOR
See AUDITOR

LEGISLATIVE COUNCIL Chapter - Page
Approp....Ch.228 - 616
Approp, reduced, FY 1986....Ch. 1 - 3
City/county gov't, mandated prog, legis study com....SCR120 - 873
City/county gov't, mandated prog, legis study com....SCR124 - 875
Colleges, junior, study committee....SCR125 - 876
Food stamps, PL 99-198, study committee....HCR63 - 888
Ground water resources, study committee....SCR119 - 872
Pacific Fish Leg Task Force, appoint members....Ch. 50 - 144
Personnel Comm, policy recommendation/review....Ch.134 - 355
LEGISLATIVE DISTRICTS
Floterial, prohibited, 1990....HJR4 - 869
Multi-member, when....HJR4 - 869
LEGISLATURE
Budget Office, approp....Ch.228 - 616
Budget Office, approp, reduced, FY 1986....Ch. 1 - 3
City/county gov't, mandated prog, legis study com....SCR120 - 873
City/county gov't, mandated prog, legis study com....SCR124 - 875
Colleges, junior, study committee....SCR125 - 876
Food stamps, PL 99-198, Legislative Council study....HCR63 - 888
Governor's State of State message....HCR37 - 879
Ground water resources, Legislative Council study....SCR119 - 872
Hamer/Egin farm to market road, dispute resolved....HCR59 - 887
JFAC, approp, reduced, FY 1986....Ch. 1 - 3
Legislative Dist, floterial, prohibited....HJR4 - 869
Legislative Dist, multi-member, when....HJR4 - 869
Membership, number limited, 1990....HJR4 - 869
Nicaraugua, aid to contras urged....HJM18 - 897
Personnel matters, committee established....Ch.123 - 324
Wood burning stoves, findings stated....HCR57 - 886
LENTILS
See AGRICULTURE
LEWIS-CLARK STATE COLLEGE
See COLLEGES AND UNIVERSITIES
LIBRARIES
Dists, dissolution, when....Ch. 21 - 62
Law, approp....Ch.284 - 707
State, Bd, approp....Ch.256 - 676
State, Bd, approp, reduced, FY 1986....Ch. 1 - 3
UofI, basement remodel, approp....Ch.334 - 819
LICENSES
Dentistry, Bd, fees, established....Ch. 35 - 108
Dentistry, Bd, revocation, suspension, grounds....Ch. 35 - 108
Drivers, renewal, armed forces member, family....Ch.326 - 801
Drivers, suspended, illegally passing school bus....Ch.320 - 787
Drivers, suspended, not reinstated, infrac not pd....Ch.203 - 506
Drivers, suspend/revoke, flee, elude policemen....Ch.208 - 531
Electrical contractors/journeyman, fees increased....Ch.191 - 487
Electrical contractors/journeyman, renewal, date....Ch.307 - 758
Electrician, master journeyman, fees....Ch.296 - 742
Electrician, specialty, created, fee....Ch.191 - 487
Engineers, professional....Ch.140 - 375

LICENSES (Continued) Chapter - Page
F&G, disabled person, expiration date.....Ch. 5 - 43
F&G, fishing, nonresident, 3-day, fee.....Ch.244 - 662
F&G, lifetime, established, requirements, fees.....Ch. 52 - 149
F&G, nonresident, fees increased.....Ch. 7 - 46
F&G, nonresident, 2 day, certain game, fees.....Ch. 16 - 56
F&G, resident defined.....Ch. 49 - 141
F&G, senior citizens, residency requirements.....Ch. 51 - 145
Hunting, nonresident, falconry, fees.....Ch.138 - 373
Insurance agent, suspension, another state.....Ch. 40 - 124
Liquor by the drink, waterfront resorts.....Ch.145 - 407
Mines and mining, reporting requirements.....Ch. 92 - 269
Occupational Licenses Bureau, approp.....Ch. 72 - 199
Optometrist, renewal, fees, increased.....Ch.109 - 299
Plates, statehood centennial, provided, fees.....Ch.211 - 545
Seed dealers, in-state, exempt, when.....Ch.110 - 303
Surveyors, land.....Ch.140 - 375
Water rights, fee required, schedule.....Ch.242 - 657
LIEUTENANT GOVERNOR
Approp.....Ch.187 - 483
Approp, reduced, FY 1986.....Ch. 1 - 3
LIQUOR
See also BEER, WINE
Bartender, definition deleted.....Ch. 36 - 108
Dispensary, approp.....Ch.156 - 443
Dram shop/social host liability, prohibited.....Ch.285 - 707
Dram shop/social host liable, cause/action, when.....Ch.285 - 707
DUI, aggravated, manditory restitution.....Ch.201 - 501
DUI, boat operation, penalties.....Ch.291 - 733
DUI, treatment, evaluator to recommend.....Ch.201 - 501
License, by the drink, waterfront resorts.....Ch.145 - 407
Premises, definition expanded.....Ch. 36 - 108
Sales, hours extended, Sundays/holidays, county opt.....Ch.223 - 609
Substance Abuse Services, approp.....Ch.229 - 617
Tax, beer, wine, failure to pay, penalty repealed.....Ch.176 - 467
LIVESTOCK
See also ANIMALS
Calves, brucellosis, tag, unlawful use, penalty.....Ch.102 - 288
Damage control fees, increased, distribution.....Ch.177 - 467
Sheep Comm, assessment, changes, effective date.....Ch. 3 - 41
Watering permit, to whom issued.....Ch.199 - 498
LOANS
Agriculture, certain, income tax deduction/interest.....Ch.336 - 824
MARIJUANA
Destroyed, burned, on-site, when.....Ch.286 - 709
MARKETING
Cooperative, association, revolving fund use.....Ch. 4 - 41
MEDICAID ASSISTANCE
See PUBLIC ASSISTANCE, Medical
MEDICAL
Assistance payments, H&W, Dept, approp, add'l.....Ch. 15 - 56
Education Program, WAMI, approp.....Ch.258 - 678

MEDICAL (Continued) Chapter - Page
Education Programs, PSEP, WICHE, UofUtah, approp.....Ch.262 - 681
Emergency, Services, fees, increased.....Ch.267 - 692
Emergency, Services, H&W, Dept, approp.....Ch.229 - 617
Emergency, Services, H&W, Dept, approp.....Ch.267 - 692
MEDICAL ASSISTANCE
See PUBLIC ASSISTANCE, Medical
MEDICINE
Bd, approp.....Ch. 72 - 199
Bd, disciplinary action, physicians, when.....Ch.100 - 280
MEETINGS
Examiners Bd, regular provided.....Ch.321 - 788
Pardons & Parole Comm, open, exceptions.....Ch. 59 - 167
MEMORIALS
Dworshak Dam, federal government compensation.....SJM107 - 893
Highway mandates, certain, elimination urged.....HJM16 - 896
INEL superconduct super collider, ID site urged.....SJM105 - 890
Kern River Pipeline Project encouraged.....HJM15 - 895
Land, federal, transfer/state, pub school support.....SJM106 - 891
Milk Prod Termination Prog, implement, delay urged.....HJM17 - 897
National cemetery established in Idaho.....SJM108 - 894
Nicaraugua, aid to contras urged.....HJM18 - 897
MENTAL HEALTH
Community, Services, approp.....Ch.229 - 617
Institutional, Services, approp.....Ch.229 - 617
MENTAL ILLNESS
Medicaid payments, certain.....Ch. 87 - 250
MILITARY AND MILITIA
Division, approp.....Ch.171 - 458
Division, approp, maintenance projects.....Ch.334 - 819
Division, approp, reduced, FY 1986.....Ch. 1 - 3
MILK AND MILK PRODUCTS
Dairy Products Comm, approp.....Ch.154 - 441
Milk Prod Termination Prog, implement, delay urged.....HJM17 - 897
Testing, standards, methods, certain.....Ch.101 - 281
Transportation tanks, standards.....Ch.101 - 281
MINERALS
Exploration, state lands, navigable river beds.....Ch.131 - 338
Leases, state land, time, royalties.....Ch. 81 - 239
Rights, state lands, reserved.....Ch. 81 - 239
Salable, defined.....Ch. 81 - 239
MINES AND MINING
Dredge, termination of permits, hearings.....Ch. 82 - 242
License tax, reporting requirements.....Ch. 92 - 269
MINORS
See CHILDREN, JUVENILES
MOTOR VEHICLES
See also DRIVERS
All terrain, defined, registration, when.....Ch.323 - 790
Allowable size.....Ch.287 - 719
Dromedary tractor, defined.....Ch.287 - 719
DUI, aggravated, manditory restitution.....Ch.201 - 501

MOTOR VEHICLES (Continued) Chapter - Page
DUI, treatment, evaluator to recommend.....Ch.201 - 501
Gross loads, allowable weight limit.....Ch.172 - 458
Hunting from, special permit, disabled persons.....Ch. 75 - 231
Liability, tort claim, increased.....Ch. 96 - 274
License plates, reissued, fee increased.....Ch.292 - 736
License plates, special POWs.....Ch.106 - 293
License plates, statehood centennial, fees.....Ch.211 - 545
Load, weight, maximum gross.....Ch.172 - 458
Passing school bus illegally, owner liable.....Ch.320 - 787
Police officer, pursuit, attempt to elude, felony.....Ch.208 - 531
Registration fee, cnty-wide Hwy Dist, voter approve.....Ch.260 - 679
Safety belts, certain, required.....Ch.346 - 854
Slow moving, definition, restriction.....Ch.198 - 497
Slow moving, emblem of identification.....Ch.198 - 497
Tires, maximum load.....Ch. 80 - 238
Trailers/semitrailers, registration, fees.....Ch.135 - 362
Use on certain lands prohibited.....Ch.288 - 724
MOTORBIKES
Off-highway, requirements, reg, fee increased.....Ch.233 - 641
Recreation Acct, created.....Ch.233 - 641
MOTORCYCLES
Off-highway, requirements, reg, fee increased.....Ch.233 - 641
MULES
See ANIMALS
MURDER
Punishment, first degree.....Ch.232 - 638
MUSEUMS
Natural History, ISU, created, established.....Ch.239 - 651
NARCOTICS
See DRUGS
NATURAL RESOURCES
Water rights adjudication.....Ch.220 - 558
Water rights adjudication.....Ch.230 - 621
NORTH IDAHO COLLEGE
See COLLEGES AND UNIVERSITIES
NURSES AND NURSING
Nursing, Bd, approp.....Ch. 72 - 199
NURSING HOMES
City/county, joint, Tort Claims Act, covered.....Ch.214 - 548
OCCUPATIONAL LICENSES BUREAU
Approp.....Ch. 72 - 199
Dentists, bd established, powers and duties.....Ch. 35 - 108
Optometrists, bd members compensation, license fees.....Ch.109 - 299
OFFICERS
Public works projects, violation, bidding, penalty.....Ch.293 - 738
OFFICIALS
Elected, state, salaries increased.....Ch.272 - 695
State elected, salaries increased.....Ch.272 - 695
OLYMPICS
Tax, revenue distribution.....Ch. 73 - 201

OPTOMETRY AND OPTOMETRISTS Chapter - Page
Fees, license renewal, increased.....Ch.109 - 299
Optometry Bd, approp.....Ch. 72 - 199
Optometry Bd, members compensation, increased.....Ch.109 - 299
OUTFITTERS AND GUIDES
Bd, appointment, consent of Senate, 3 year term.....Ch.236 - 647
Bd, approp.....Ch. 72 - 199
Nonresident, tags, deer/elk, set aside.....Ch.235 - 646
PARDONS AND PAROLE
Bd, pardoning power as provided by statute.....SJR107 - 867
Comm, open meetings, exceptions.....Ch. 59 - 167
Minimum requirements removed, when.....Ch.232 - 638
PARI-MUTUEL WAGERING
Simulcast/televised races, allowed.....Ch. 69 - 194
PARKING
Handicapped spaced, plate/card required, fine.....Ch.238 - 649
PARKS AND RECREATION
Dept, approp.....Ch.269 - 693
Dept, approp.....Ch.270 - 694
Dept, approp.....Ch.275 - 698
Dept, approp, preventative maintenance projects.....Ch.334 - 819
Dept, approp, reduced, FY 1986.....Ch. 1 - 3
PARTNERSHIPS
Foreign, limited, filing fee removed.....Ch.108 - 297
Organized, water, permit, approp, allowed.....Ch.217 - 553
PEACE OFFICERS
See POLICEMEN
PEAS
See AGRICULTURE
PENITENTIARY
See CORRECTIONAL INSTITUTIONS
PERMANENT BUILDING FUND ADVISORY COUNCIL
Approp, projects.....Ch.334 - 819
Approp, reduced, FY 1986.....Ch. 1 - 3
PERMITS
Cigarette wholesaler, required.....Ch.193 - 489
Dredge mining, termination of, hearings.....Ch. 82 - 242
Hazardous waste fac, treat/store/dispose, req'd.....Ch.148 - 415
Hunting, control, land owners, add'l issued, when.....Ch.329 - 809
Hunting, disabled persons, special.....Ch. 75 - 231
Steelhead/salmon, fee increased.....Ch.294 - 739
Stock watering, to whom issued.....Ch.199 - 498
Water rights, marketing system.....Ch.313 - 763
PERSONNEL COMMISSION
Employees, exempt, defined.....Ch.133 - 341
Employees, nonclassified, defined.....Ch.133 - 341
Employees, state, grievance procedures, appeal.....Ch.127 - 327
Employees, state, grievance procedures, appeal.....Ch.134 - 355
Fair Labor Standards Act, exemptions.....Ch.133 - 341
Policy, Legislative Council, review/recommend.....Ch.134 - 355
PESTS
Grasshoppers/crickets, etc, deficiency warrants.....Ch.181 - 478

PHARMACIES AND PHARMACISTS Chapter - Page
Pharmacy Bd, approp....Ch. 72 - 199
Pharmacy Bd, approp, additional....Ch. 12 - 53
Pharmacy Bd, approp, reduced, FY 1986....Ch. 1 - 3
PHYSICIANS AND SURGEONS
Disciplinary action, reported, when....Ch.100 - 280
PLUMBERS AND PLUMBING
Plumbing Bd, compensation increased....Ch.306 - 757
POLICEMEN
See also LAW ENFORCEMENT
Arrests, use of deadly force....Ch.303 - 754
Homicide, justifiable, when....Ch.303 - 754
Pursuit of motor vehicles, elude, felony....Ch.208 - 531
Retired, certain accouterments given, when....Ch.215 - 549
State, approp....Ch.226 - 613
POLLING PLACES
See ELECTIONS
POLLUTION
See ENVIRONMENT
POTATOES
Comm, approp....Ch.154 - 441
PRISONERS
Foreign, transfer, when....Ch. 77 - 235
Indigent, benefits, needs determined....Ch.115 - 307
Parole, minimum requirements removed, when....Ch.232 - 638
POWs, special license plates established....Ch.106 - 293
Probation, time period may equal sentence....Ch.311 - 762
Sentence, extended, deadly weapon/firearm used....Ch.319 - 784
Sentence, good conduct reduction, repealed....Ch.322 - 789
Sentence, meritorious reduction of....Ch.322 - 789
Sentence, unified described....Ch.232 - 638
PRISONS
See CORRECTIONAL INSTITUTIONS
PRODUCTS
Liability, firearms/ammunition, not defective, when....Ch.216 - 553
PROPERTY
See also TAX AND TAXATION, PROPERTY
Personal, tangible, vending machine, increased....Ch.300 - 748
Private, abandoned, disposal at auction....Ch.136 - 365
Purchasing, state, registration, vendors....Ch.264 - 683
Purchasing, state, requisitions....Ch.264 - 683
Real, disposal of, surplus property act, exempt....Ch.129 - 335
Real, notice, street address required, when....Ch.332 - 816
Real, surplus, disposal of, notice of sale req'd....Ch.113 - 305
Real, Transportation Dept, disposal of, surplus....Ch.129 - 335
PROSECUTING ATTORNEYS
See ATTORNEYS
PSYCHIATRY
Adult unit, Youth Rehab Act, committment prohib....Ch. 84 - 243
H&W, State Hospital South unit, approp....Ch.334 - 819
PUBLIC ASSISTANCE
Adult & ADC Assistance Program, approp....Ch.229 - 617

PUBLIC ASSISTANCE (Continued) Chapter - Page
Eligibility Services, approp.....Ch.229 - 617
Medicaid, payments, certain, mentally retarded.....Ch. 87 - 250
Medical Assistance Payments, approp.....Ch.229 - 617
Social Services Program, approp.....Ch.229 - 617
Welfare Division, approp.....Ch.229 - 617
PUBLIC BROADCASTING
Education, Bd, approp.....Ch.266 - 691
Education, Bd, approp, reduced, FY 1986.....Ch. 1 - 3
Idaho Educ, System Foundation, income tax credit.....Ch.219 - 557
TV Translator Dist, treasurer bonded.....Ch. 94 - 272
PUBLIC EMPLOYEES
See EMPLOYEES AND EMPLOYMENT
PUBLIC EMPLOYEES RETIREMENT SYSTEM
See RETIREMENT
PUBLIC UTILITIES COMMISSION
See UTILITIES
PUBLIC WORKS
Contractor, gov't security in lieu of surety bond.....Ch. 67 - 189
Contractors License Bd, approp.....Ch. 72 - 199
Contractors License Bd, approp, additional.....Ch. 12 - 53
Division, approp.....Ch.167 - 454
Division, approp, maintenance projects.....Ch.334 - 819
Division, approp, reduced, FY 1986.....Ch. 1 - 3
Officer, public, violation, bidding laws, penalty.....Ch.293 - 738
PURCHASING
Division, approp.....Ch.167 - 454
State, requisitions for property, notice.....Ch.264 - 683
State, vendors, registration.....Ch.264 - 683
RAILROADS
Rolling stock, tax, sales, exempt.....Ch.180 - 472
REAL ESTATE
Comm, approp.....Ch. 72 - 199
REAPPORTIONMENT
Legislative Dist, limitations.....HJR4 - 869
RECORDERS
City, fees.....Ch. 14 - 55
RECORDS
Business, submit/Commerce Dept, confiden, certain.....Ch.104 - 291
Law Enforcement, exemptions from disclosure.....Ch.210 - 543
Public, exemptions from disclosure.....Ch.210 - 543
RECREATIONAL VEHICLES
Boats, DUI conviction, penalties.....Ch.291 - 733
Boats, Idaho Safe Boating Act.....Ch.207 - 515
Definitions expanded, words substituted.....Ch. 30 - 84
Motorbikes, off-highway, requirements, fees.....Ch.233 - 641
Snowmobiles, all terrain, registration.....Ch.323 - 790
Use on certain lands prohibited.....Ch.288 - 724
REHABILITATION
Facility, "Anchor House", contribution, tax credit.....Ch.141 - 398
REPORTS
Judge, Supreme/Dist Court candidate, finance report.....Ch.218 - 554

RESOLUTIONS, CONCURRENT Chapter - Page
Air pollution, PCB burning, H&W rules, amended.....SCR126 - 877
City/county, mandated programs, legis study com.....SCR120 - 873
City/county, mandated programs, legis study com.....SCR124 - 875
Colleges, junior, legislative study committee.....SCR125 - 876
Food stamps, PL 99-198, Legislative Council study.....HCR63 - 888
Governor's State of State message.....HCR37 - 879
Ground water resources, Legislative Council study.....SCR119 - 872
Hamer/Egin farm to market road, dispute resolved.....HCR59 - 887
Hunting, steel shot, regulations, certain.....SCR121 - 874
H&W, rules, sewage, subsurface disposal, amended.....HCR47 - 883
H&W, rules, smoking, indoor, amended.....HCR52 - 884
H&W, rules, wastewater treat facility grants.....SCR109 - 871
Labor & Industrial Services, definitions.....HCR45 - 881
Labor & Industrial Services, rules & regulations.....HCR45 - 881
Revenue projections, available funds, 1985-86.....HCR44 - 880
Revenue projections, available funds, 1986-87.....HCR43 - 879
Wood burning stoves, legislative findings stated.....HCR57 - 886
RESOLUTIONS, JOINT
Elections, county coroners, every 4 years.....SJR102 - 866
Legislative Dist, floterial, prohibited.....HJR4 - 869
Legislative Dist, limitations, 1990.....HJR4 - 869
Legislative Dist, multi-member, when.....HJR4 - 869
Pardons Bd, provided by statute.....SJR107 - 867
RESORTS
Waterfront, liquor by the drink license.....Ch.145 - 407
RESTAURANTS
Sanitary regulations, certain.....Ch.314 - 776
RETIREMENT
Actuarial amortization period, reduced.....Ch.146 - 408
Allowance adjustments, post retirement.....Ch.122 - 322
Insurance, admin, power & duty, retired personnel.....Ch.150 - 434
Policemen, certain accouterments given, when.....Ch.215 - 549
Public Employees, Acct, public schools, approp.....Ch.335 - 821
Public Employees, approp.....Ch.156 - 443
System, employees, allowance adjustments.....Ch.122 - 322
System, employees, contribution rates, employers %.....Ch.143 - 399
System, funding agent, selection.....Ch.147 - 409
REVENUE
Projections, available funds, 1985-86.....HCR44 - 880
Projections, available funds, 1986-87.....HCR43 - 879
RIVERS
Kern, Pipeline Project encouraged.....HJM15 - 895
Snake, adjud, judicial expense, Supreme Crt approp.....Ch.271 - 694
Snake, subordination agreement, water rights.....Ch.117 - 308
Snake, water rights adjudication.....Ch.220 - 558
Snake, water rights adjudication.....Ch.230 - 621
Water rights, marketing system.....Ch.313 - 763
ROADS
See HIGHWAYS
RULES
Administrative, def, agency interpret, excluded.....Ch.318 - 783

RULES (Continued) Chapter - Page
Administrative, republish 2 years, not req'd when.....Ch.105 - 292
F&G Comm, disabled persons, hunting.....Ch. 75 - 231
Health Dist, Bd, procedures.....Ch. 17 - 58
H&W, agricultural field burning.....Ch.325 - 797
H&W, air pollution, PCB burning.....SCR126 - 877
H&W, Bd, hazardous waste regulations.....Ch.148 - 415
H&W, indoor smoking, amended.....HCR52 - 884
H&W, wastewater treat facility grants, amended.....SCR109 - 871
Labor & Industrial Services, definitions.....HCR45 - 881
Transportation Dept, surplus property, disposal of.....Ch.129 - 335
SAFETY
Belts, motor vehicles, certain required.....Ch.346 - 854
Compliance, Labor & Industrial Services, approp.....Ch.164 - 451
Labor Relations Bureau, approp.....Ch.164 - 451
SALARIES
Attorneys, deputy prosecuting, cap removed.....Ch.139 - 375
Building Code Advisory Bd, increased.....Ch.304 - 755
Elected officials, state, increased.....Ch.272 - 695
Electrical Bd, increased.....Ch.305 - 756
Industrial Comm, members, fixed.....Ch. 79 - 237
Investment Bd, assistant manager.....Ch. 68 - 193
Plumbing Bd, increased.....Ch.306 - 757
State elected officials, increased.....Ch.272 - 695
SCALING
Bd, references changed.....Ch.330 - 812
Certificate of registration, renewal.....Ch.330 - 812
Log, civil enforcement actions, penalty, provided.....Ch.243 - 660
SCHOOL DISTRICTS
Audit report, annual, filing date established.....Ch. 47 - 137
Educ Support Prog, total, allowance, nearest 10th.....Ch. 45 - 130
General fund contingency reserve, limted.....Ch. 44 - 129
Subdistricts created, when.....Ch. 61 - 177
Tax anticipation notes issued, when.....Ch. 33 - 104
Trustees, Bd, citation corrected.....Ch. 46 - 134
Trustees, recall proceedings.....Ch.348 - 856
SCHOOLS
Bus, illegal passing, motor vehicle owner liable.....Ch.320 - 787
Colleges, junior, dist, social security payment.....Ch.252 - 673
Colleges, junior, legislative study committee.....SCR125 - 876
Colleges, junior, support, Education Bd, approp.....Ch.252 - 673
Deaf & Blind, approp, reduced, FY 1986.....Ch. 1 - 3
Deaf & Blind School, bond payoff, approp decreased.....Ch.335 - 821
Educ Support Prog, dist allowance, nearest 10th.....Ch. 45 - 130
General fund contingency reserve, limted.....Ch. 44 - 129
Public, approp.....Ch.335 - 821
Public, Education, Bd, approp.....Ch.335 - 821
Public, Employees Retirement Acct, approp.....Ch.335 - 821
Public, Income Fund, approp.....Ch.335 - 821
Public, Social Security Trust Acct, approp.....Ch.335 - 821
Public, support, federal land, transfer to state.....SJM106 - 891
Public, Unemployment Insurance Program, approp.....Ch.335 - 821

SCHOOLS (Continued) Chapter - Page
Students, transportation, not furnished, payments.....Ch. 48 - 140
Subdistricts created, when.....Ch. 61 - 177
Textbook Adoption Com, appointed, procedures.....Ch.302 - 752
Trustees, recall proceedings.....Ch.348 - 856
Vo-tech, east Idaho, multi-purpose complex, approp.....Ch.334 - 819
SEAT BELTS
Motor vehicles, certain, required.....Ch.346 - 854
SECRETARY OF STATE
Approp.....Ch.157 - 444
Approp, reduced, FY 1986.....Ch. 1 - 3
Security interests, filing index system.....Ch.338 - 834
UCC central filing system, approp.....Ch.339 - 844
SECURITIES
Federal reserve, book entry system.....Ch.247 - 666
SEEDS
Dealers license, in-state, exempt, when.....Ch.110 - 303
Rapeseed, Agriculture Dept, director, powers/duties.....Ch.249 - 670
SELF-GOVERNING AGENCIES
See also INDIVIDUAL NAMES
Approp.....Ch. 72 - 199
Approp, Agricultural Commodity Commissions.....Ch.154 - 441
Approp, certain, additional.....Ch. 12 - 53
SENATE
Consent, Outfitters & Guides Bd, appointment 3yrs.....Ch.236 - 647
SENIOR CITIZENS
Aging, Office on, approp.....Ch.254 - 675
F&G license, residency requirements.....Ch. 51 - 145
SENTENCING
See COURTS
SERVICE AGENCIES
Educational, unemployment benefits denied, when.....Ch. 22 - 63
SEWAGE
Subsurface, disposal systems, rules amend, certain.....HCR47 - 883
SHEEP
Comm, approp.....Ch.277 - 700
Comm, assessment, changes, effective date.....Ch. 3 - 41
SHELTER HOMES
Specialized, defined.....Ch.340 - 844
SHERIFFS
County, aid of inhabitants, male reference deleted.....Ch.290 - 732
SHORTHAND REPORTERS
Bd, approp.....Ch. 72 - 199
SLOT MACHINES
Antique, possession prohibited, exceptions.....Ch. 8 - 48
SMOKING
Indoor, H&W rules, amended.....HCR52 - 884
SNOWMOBILES
Registration fees increased.....Ch.323 - 790
Trails, use.....Ch.323 - 790
SOCIAL SECURITY
Payments, Junior College Dist.....Ch.252 - 673

SOCIAL SECURITY (Continued) Chapter - Page
Trust Acct, public schools, approp.....Ch.335 - 821
SOIL
Conservation Dist, elections, when.....Ch.179 - 469
STATE HOSPITAL NORTH
See HOSPITALS
STATE HOSPITAL SOUTH
See HOSPITALS
STOCK
Capital, bank purchase own, when.....Ch. 58 - 167
STUDENTS
Textbook Adoption Com, appointed, procedures.....Ch.302 - 752
Transportation, not furnished, payments.....Ch. 48 - 140
STUDIES
City/county gov't, mandated programs, legis com.....SCR120 - 873
City/county gov't, mandated programs, legis com.....SCR124 - 875
Colleges, junior, legislative committee.....SCR125 - 876
Food stamps, PL 99-198, Legislative Council com.....HCR63 - 888
Ground water resources, Legislative Council comm.....SCR119 - 872
SUNSHINE LAW
Judges, Supreme/Dist court, candidates, included.....Ch.218 - 554
SUPREME COURT
See COURTS
SURVEYING AND SURVEYORS
Land, Licensing Act.....Ch.140 - 375
SWAN FALLS
Agreement Acct, approp, reduced, FY 1986.....Ch. 1 - 3
Water rights, subordination agreement.....Ch.117 - 308
TAX AND TAXATION
Appeals Bd, approp.....Ch.265 - 689
Beef Council promotion, brand inspector to collect.....Ch.246 - 665
Beer, failure to pay, penalty repealed.....Ch.176 - 467
Beer, revenue distribution, refund payments.....Ch. 73 - 201
Chickpeas, assessment levied.....Ch. 27 - 79
Children's Trust Acct, revenue distribution.....Ch. 73 - 201
Cigarette, revenue distribution, refund payments.....Ch. 73 - 201
Cigarette, wholesaler, permit required, penalties.....Ch.193 - 489
Comm, approp.....Ch.265 - 689
Comm, approp, additional.....Ch.169 - 457
Comm, approp, reduced, FY 1986.....Ch. 1 - 3
Comm, circuit breaker tax relief.....Ch.278 - 702
Comm, fuels, motor, interstate agreement, authority.....Ch.315 - 777
Comm, State Refund Acct, various refund payments.....Ch. 73 - 201
Dist, anticipation notes issued, when.....Ch. 33 - 104
Dist, budget requests, limits.....Ch.343 - 850
Dist, prompt payment, goods/services.....Ch.200 - 499
Donation, Idaho Agriculture in the Classroom Acct.....Ch. 85 - 248
Drug Enforcement Acct, revenue distribution.....Ch. 73 - 201
Electric power, license, no refund.....Ch. 73 - 201
F&G Acct, revenue distribution.....Ch. 73 - 201
Fuels, motor, interstate agreements, authority.....Ch.315 - 777
Fuels, refunds, interest paid.....Ch.175 - 464

TAX AND TAXATION (Continued) Chapter - Page
Gasohol, reduced rate.....Ch.344 - 851
Hotel/motel, revenue distribution, refund payments.....Ch. 73 - 201
Inheritance, overpymts, transferred, accts, certain.....Ch.345 - 852
Inheritance, revenue distribution, refund payments.....Ch. 73 - 201
IRS Code adopted.....Ch. 11 - 53
Kilowatt hour license, reported quarterly.....Ch. 91 - 268
Lentils, assessment, increased.....Ch. 27 - 79
Multi-state Compact, approp.....Ch.265 - 689
Olympics, revenue distribution.....Ch. 73 - 201
Peas, assessment, increased.....Ch. 27 - 79
Refund, designated to ID Ag in the Classroom Prog.....Ch. 85 - 248
Refund, fuels, interest paid.....Ch.175 - 464
Sheep Comm, assessment, changes, effective date.....Ch. 3 - 41
Wine, failure to pay, penalty repealed.....Ch.176 - 467
Wine, revenue distribution, refund payments.....Ch. 73 - 201
TAX AND TAXATION, INCOME
Corporations, nonprofit, exempt, when.....Ch. 18 - 59
Corporations, unitary.....Ch.342 - 846
Credit, contributions, "Anchor House".....Ch.141 - 398
Credit, ID Educ Pub Broadcast System Foundation.....Ch.219 - 557
Deductions, interest, agriculture loans, certain.....Ch.336 - 824
Nonresidents/part-year residents, computation.....Ch. 90 - 262
Refunds, excess refunded within 90 days.....Ch.132 - 339
Resident, definition expanded.....Ch.245 - 664
Water's Edge Election.....Ch.342 - 846
TAX AND TAXATION, PROPERTY
Exemptions, homeowner's, certificate date changed.....Ch. 56 - 163
Exemptions, railroad rolling stock.....Ch.180 - 472
Homeowner's exemption, certificate date changed.....Ch. 56 - 163
Residential property, defined.....Ch.213 - 547
Workmen's Comp, benefits, Industrial Indemnity Fund.....Ch. 93 - 270
TAX AND TAXATION, SALES
Amusement devices, subject to.....Ch.299 - 748
Cash registers, conversion, credit to permitees.....Ch.225 - 612
Computer software, tangible personal prop, defined.....Ch.192 - 488
Contracts, increased, exempt, when.....Ch. 39 - 121
Contracts, increased, exempt, when, H698 amended.....Ch.224 - 610
Credit to permittees, cash register conversion.....Ch.225 - 612
Exemptions, fuels, certain.....Ch.180 - 472
Exemptions, Idaho Epilepsy League.....Ch.120 - 314
Exemptions, Idaho Lung Association.....Ch.120 - 314
Food stamps, PL 99-198, Legislative Council study.....HCR63 - 888
Increased to 5%, temporary.....Ch. 39 - 121
Increased 1%, temporary.....Ch. 39 - 121
Local option, cities, revenue dist, refund payments.....Ch. 73 - 201
Sales price, vending machine, increased.....Ch.300 - 748
Tangible personal property, defined.....Ch.192 - 488
TELEVISION
See also PUBLIC BROADCASTING
Translator Dist, treasurer bonded.....Ch. 94 - 272

TEXTBOOKS Chapter - Page
Adoption Com, appointed, procedures.....Ch.302 - 752
TIMBER
See FORESTS AND FORESTRY
TIRES
See MOTOR VEHICLES
TOBACCO
Restaurants, sanitary regulations, certain.....Ch.314 - 776
TORTS
Claims Act, definitions expanded.....Ch.214 - 548
Motor vehicle liability, increased.....Ch. 96 - 274
TRAFFIC
Infraction not paid, drivers license not reinstated.....Ch.203 - 506
Safety Commission Acct, approp.....Ch.159 - 447
TRAFFIC SAFETY COMMISSION
Acct, approp.....Ch.159 - 447
TRANSPORTATION
Dept, approp.....Ch.268 - 693
Dept, approp.....Ch.159 - 447
Dept, real property, disposal of, surplus, rules.....Ch.129 - 335
Hazardous Material/Waste Enforcement Acct.....Ch.231 - 627
Hazardous Material/Waste Enforcement Act.....Ch.231 - 627
Hazardous Material/Waste Enforcement Act, permit.....Ch.231 - 627
Students, not furnished, payments.....Ch. 48 - 140
Traffic Safety Comm Acct, approp.....Ch.159 - 447
TREASURER
State, approp.....Ch.347 - 855
State, approp, amended.....Ch. 26 - 78
State, approp, reduced, FY 1986.....Ch. 1 - 3
TRUSTS
Uniform Common, Fund Act, invest permitted, when.....Ch. 55 - 162
TUITION
Defined, Colleges & Universities.....Ch. 34 - 105
Waived, certain nonresidents.....Ch. 32 - 103
UNEMPLOYMENT
Benefit, educational service agencies, denied, when.....Ch. 22 - 63
Insurance Program, public schools, approp.....Ch.335 - 821
Tips included as wages.....Ch. 25 - 77
Wages, definition expanded, tips included.....Ch. 25 - 77
UNIFORM COMMERCIAL CODE
Central filing system, Secretary of State, approp.....Ch.339 - 844
Security interest, farm products.....Ch.338 - 834
UNIVERSITIES
See COLLEGES AND UNIVERSITIES
UNIVERSITY OF IDAHO
See COLLEGES AND UNIVERSITIES
URBAN RENEWAL
Agency, commissioners, Mayor to appoint.....Ch. 9 - 49
Agency, commissioners, number increased.....Ch. 9 - 49
UTILITIES
PUC, approp.....Ch.155 - 442
PUC, approp, reduced, FY 1986.....Ch. 1 - 3

VACCINATION Chapter - Page
Brucellosis, tag, unlawful use, penalty.....Ch.102 - 288
VEHICLES
See MOTOR VEHICLES, RECREATIONAL VEHICLES
VETERANS
National cemetery established in Idaho.....SJM108 - 894
POWs, special license plates established.....Ch.106 - 293
Services Programs, H&W, approp.....Ch.229 - 617
Services Programs, H&W, approp, reduced, FY 1986.....Ch. 1 - 3
VETERINARY MEDICINE
Bd, approp.....Ch. 72 - 199
Education Program, WOI Regional, UofI, approp.....Ch.261 - 680
VICTIMS
Crime, bodily injury, compensation.....Ch.337 - 824
Crime, restitution, date.....Ch.197 - 494
VOCATIONAL EDUCATION
Approp.....Ch.227 - 614
Approp, reduced, FY 1986.....Ch. 1 - 3
VOCATIONAL REHABILITATION
Division, approp.....Ch.263 - 682
Division, approp, reduced, FY 1986.....Ch. 1 - 3
Education, Bd, approp, additional.....Ch. 10 - 52
Federal Act Amendments, accepted.....Ch.341 - 845
Victims of crime, disabled.....Ch.337 - 824
VOCATIONAL-TECHNICAL SCHOOLS
Eastern Idaho, multi-purpose complex, approp.....Ch.334 - 819
VOTERS
Highway Dist, MV registration fees, approve.....Ch.260 - 679
WAMI
Medical Education Program, approp.....Ch.258 - 678
WARRANTS
Deficiency, issued, pest control.....Ch.181 - 478
WASTES
Hazardous, potliners defined as.....Ch.182 - 479
Solid, disposal.....Ch. 19 - 59
Solid, facilities, operation & maintenance.....Ch. 19 - 59
WATER
Dist, political subdivision of state.....Ch. 78 - 236
Dworshak Dam, federal government compensation.....SJM107 - 893
Ground, resources, Legislative Council study.....SCR119 - 872
Permit, appropriate, organized partnership, allowed.....Ch.217 - 553
Pollution abatement, municipality, def expanded.....Ch. 66 - 187
Quality Program, approp.....Ch.229 - 617
Rental proceeds, apportionment of.....Ch. 78 - 236
Rights, adjudication.....Ch.220 - 558
Rights, adjudication.....Ch.230 - 621
Rights, adjudication, terms defined.....Ch.234 - 645
Rights, licensing, fee required, schedule.....Ch.242 - 657
Rights, marketing system.....Ch.313 - 763
Rights, Snake River, agreement.....Ch.117 - 308
Rights, subordination agreement, Snake River.....Ch.117 - 308
Snake River adjudication, Supreme Court, approp.....Ch.271 - 694

WATER (Continued) Chapter - Page
Stock watering permit, to whom issued.....Ch.199 - 498
WATER RESOURCES
Dept, approp.....Ch.168 - 455
Dept, approp, additional.....Ch. 13 - 54
Dept, approp, reduced, FY 1986.....Ch. 1 - 3
WEAPONS
See also FIREARMS
Deadly, use of, sentence extended.....Ch.319 - 784
WELFARE
See PUBLIC ASSISTANCE
WHEAT
Comm, approp.....Ch.154 - 441
WICHE
Medical Education Program, Education, Bd, approp.....Ch.262 - 681
WILDLIFE
Endangered, Animal Damage Control Bd.....Ch.212 - 546
Hunting dogs, use of, prohibited, when.....Ch.297 - 745
WINE
Sales, hours extended, Sundays/holidays, county opt.....Ch.223 - 609
Tax, failure to pay, penalty repealed.....Ch.176 - 467
Tax, revenue distribution, refund payments.....Ch. 73 - 201
WOMEN
Correctional institution, approp.....Ch.250 - 671
WOOD
Fire, gatherer, land owner exempt, liability, when.....Ch.194 - 492
Stoves, legislative findings stated.....HCR57 - 886
WORKMEN'S COMPENSATION
Reinsurance, limitation deleted.....Ch.112 - 305
Securities, federal reserve book entry system.....Ch.247 - 666
Tax, benefits, Industrial Indemnity Fund.....Ch. 93 - 270
YOUTH
See CHILDREN
YOUTH REHABILITATION ACT
Children, adult psychiatric unit, commit prohibit.....Ch. 84 - 243

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

TO THE SECTIONS OF THE IDAHO CODE BY THE 1986 SESSION LAWS

Code citation, action and
session law chapter number is shown
of bills which passed

SECOND REGULAR SESSION - FORTY EIGHTH LEGISLATURE

		Chapter - Page
TITLE 1		
1-2103	Amended	Ch. 89 - 261
TITLE 2		
2-212	Amended	Ch.295 - 742
TITLE 5		
5-505	Referred to	Ch.220 - 569
5-505	Referred to	Ch.230 - 625
TITLE 6		
6-902	Amended	Ch.214 - 548
6-1410	New Section Added	Ch.216 - 553
6-1501	New Section Added	Ch.194 - 492
6-1502	New Section Added	Ch.194 - 492
TITLE 7		
7-1049	Amended	Ch.144 - 402
7-1049	Amended	Ch.221 - 588
7-1056	Amended	Ch.144 - 403
7-1056	Amended	Ch.221 - 589
7-1059	Amended	Ch.144 - 403
7-1059	Amended	Ch.221 - 590
7-1061	Amended	Ch.144 - 404
7-1064	Amended	Ch.144 - 404
7-1065	Amended	Ch.144 - 405
7-1066	Amended	Ch.144 - 405
7-1071	Amended	Ch.144 - 406
7-1071	Amended	Ch.221 - 589
7-1071	Amended	Ch.222 - 607
7-1107	Amended	Ch.221 - 584
7-1121	Amended	Ch.222 - 606
Ch.12	Referred to	Ch.222 - 595
7-1202	Amended	Ch.221 - 591
7-1203	Amended	Ch.221 - 592
TITLE 9		
9-335	New Section Added	Ch.210 - 543
TITLE 10		
10-1302	Amended	Ch.222 - 603
TITLE 11		
11-103	Amended	Ch.221 - 592

TITLE 11 (Continued)		Chapter - Page
11-603	Amended	Ch.221 - 587
11-607	Amended	Ch.221 - 587
TITLE 12		
12-120	Amended	Ch.205 - 511
TITLE 14		
14-425	Amended	Ch. 73 - 202
14-425	Amended	Ch.345 - 852
TITLE 16		
Ch.16	Referred to	Ch.197 - 494
16-1602	Amended	Ch. 84 - 246
16-1605	Amended	Ch.121 - 319
16-1610	Referred to	Ch. 84 - 244,246
16-1610	Amended	Ch.121 - 320
16-1614	Amended	Ch.121 - 321
16-1622	Amended	Ch.222 - 608
16-1814	Referred to	Ch. 84 - 244,246
16-1814	Amended	Ch. 76 - 234
16-1815	Amended	Ch.222 - 609
16-1832	Amended	Ch. 84 - 246
TITLE 18		
18-112A	New Section Added	Ch.312 - 763
18-2318	Repealed	Ch. 97 - 275
18-2318	New Section Added	Ch. 97 - 276
Ch.24	Referred to	Ch.337 - 828
18-3804	Amended	Ch. 8 - 48
18-3810	New Section Added	Ch. 8 - 49
18-3906	Amended	Ch.298 - 747
18-4004	Amended	Ch.232 - 639
18-4011	Amended	Ch.303 - 755
18-8003	Referred to	Ch.291 - 735
18-8004	Referred to	Ch.337 - 833
18-8005	Amended	Ch.201 - 501
18-8006	Amended	Ch.201 - 504
TITLE 19		
19-301	Amended	Ch.289 - 728
19-302	Amended	Ch.289 - 728
19-303	Amended	Ch.289 - 728
19-304	Amended	Ch.289 - 728
19-305	Amended	Ch.289 - 729
19-306	Amended	Ch.289 - 729
19-307	Amended	Ch.289 - 729
19-308	Amended	Ch.289 - 730
19-309	Amended	Ch.289 - 730
19-310	Amended	Ch.289 - 731
19-311	Amended	Ch.289 - 731
19-312	Amended	Ch.289 - 731
19-313	Amended	Ch.289 - 731
19-314	Amended	Ch.289 - 731
19-315	Amended	Ch.289 - 731
19-316	Amended	Ch.289 - 732
19-610	Amended	Ch.303 - 754

TITLE 19 (Continued)		Chapter - Page
19-809A	New Section Added	Ch.195 - 493
19-2030	Amended	Ch.202 - 505
19-2513	Amended	Ch.232 - 639
19-2513A	Repealed	Ch.232 - 640
19-2520	Amended	Ch.319 - 785
19-2520	Referred to	Ch.232 - 641
19-2520A	Referred to	Ch.232 - 641
19-2520A	Repealed	Ch.319 - 784
19-2520B	Amended	Ch.319 - 785
19-2520B	Referred to	Ch.232 - 641
19-2520C	Amended	Ch.319 - 786
19-2520C	Referred to	Ch.232 - 641
19-2520D	Referred to	Ch.232 - 641
19-2601	Referred to	Ch.291 - 736
19-2803	Amended	Ch.124 - 325
19-2905	Amended	Ch.125 - 326
19-3024	New Section Added	Ch.196 - 494
19-4705	Amended	Ch.333 - 817
19-4705	Referred to	Ch.298 - 747
19-4803	Amended	Ch.215 - 551
19-4901	Amended	Ch.126 - 326
Ch.53	Referred to	Ch.201 - 504,505
19-5302	Amended	Ch.197 - 495
19-5304	Amended	Ch.197 - 495
TITLE 20		
20-101A	Amended	Ch.322 - 789
20-101D	New Section Added	Ch.322 - 790
20-104	New Section Added	Ch. 77 - 235
20-213A	New Section Added	Ch. 59 - 168
20-222	Amended	Ch.311 - 762
20-223	Amended	Ch.232 - 640
20-225	Referred to	Ch.197 - 495
20-605	Amended	Ch.115 - 307
20-614	Referred to	Ch.197 - 495
TITLE 22		
22-108	New Section Added	Ch.249 - 670
22-434	Amended	Ch.110 - 303
22-2108	New Section Added	Ch.181 - 478
22-2610	Amended	Ch. 4 - 42
22-2721	Amended	Ch.179 - 469
22-2730	Referred to	Ch.345 - 854
22-3515	Amended	Ch. 27 - 79
TITLE 23		
23-808	New Section Added	Ch.285 - 708
23-902	Amended	Ch. 36 - 118
23-927	Amended	Ch.223 - 610
23-948	Amended	Ch.145 - 407
23-1008	Amended	Ch. 73 - 203
23-1021	Repealed	Ch. 73 - 202
23-1050	Repealed	Ch.176 - 467
23-1054	Repealed	Ch. 73 - 202

TITLE 23 (Continued)		Chapter - Page
23-1054	New Section Added	Ch. 73 - 205
23-1319	Amended	Ch. 73 - 205
23-1321	Repealed	Ch.176 - 467
TITLE 25		
25-128	Amended	Ch.212 - 546
25-130	Amended	Ch. 3 - 41
25-232	Amended	Ch.177 - 467
25-603	Amended	Ch.102 - 288
25-605	Amended	Ch.102 - 289
25-613A	Amended	Ch.102 - 289
25-616	Amended	Ch.102 - 289
25-2906	Amended	Ch.246 - 665
25-2907	Amended	Ch.246 - 665
TITLE 26		
26-213	Amended	Ch.316 - 780
26-702	Amended	Ch. 58 - 167
26-2121	Amended	Ch.237 - 649
26-2154	New Section Added	Ch. 74 - 221
26-2155	New Section Added	Ch. 74 - 221
TITLE 28		
28-9-307	Amended	Ch.338 - 834
28-9-401	Amended	Ch.338 - 835
28-9-401A	New Section Added	Ch.338 - 836
28-9-402	Amended	Ch.338 - 837
28-9-403	Amended	Ch.338 - 839
28-9-404	Amended	Ch.338 - 841
28-9-407	Amended	Ch.338 - 842
28-22-104	Referred to	Ch.248 - 670
28-23-101	Amended	Ch.248 - 668
28-23-102	Amended	Ch.248 - 669
TITLE 30		
30-1-111	Referred to	Ch.128 - 332
30-316	Amended	Ch.178 - 468
30-1314	Referred to	Ch.128 - 332
Ch.14	Referred to	Ch.150 - 434
30-1501	Repealed	Ch.149 - 425
30-1501	New Section Added	Ch.149 - 426
30-1502	Repealed	Ch.149 - 425
30-1502	New Section Added	Ch.149 - 426
30-1503	Repealed	Ch.149 - 425
30-1503	New Section Added	Ch.149 - 428
30-1504	Repealed	Ch.149 - 425
30-1504	New Section Added	Ch.149 - 430
30-1505	Repealed	Ch.149 - 425
30-1505	New Section Added	Ch.149 - 430
30-1506	Repealed	Ch.149 - 425
30-1506	New Section Added	Ch.149 - 431
30-1507	Repealed	Ch.149 - 425
30-1507	New Section Added	Ch.149 - 431
30-1508	Repealed	Ch.149 - 425
30-1508	New Section Added	Ch.149 - 432

TITLE 30 (Continued)		Chapter - Page
30-1509	Repealed	Ch.149 - 425
30-1509	New Section Added	Ch.149 - 432
30-1510	Repealed	Ch.149 - 425
30-1510	New Section Added	Ch.149 - 432
30-1511	Repealed	Ch.149 - 425
30-1511	New Section Added	Ch.149 - 433
30-1512	Repealed	Ch.149 - 425
30-1512	New Section Added	Ch.149 - 434
30-1513	Repealed	Ch.149 - 425
30-1513	New Section Added	Ch.149 - 434
30-1514	New Section Added	Ch.149 - 434
TITLE 31		
31-836	Referred to	Ch.240 - 652
31-1403	Amended	Ch.137 - 367
31-1404	Amended	Ch.137 - 368
31-1405	Amended	Ch.137 - 368
31-1406	Amended	Ch.137 - 369
31-1407	Amended	Ch.137 - 369
31-1408	Amended	Ch.137 - 370
31-1409	Amended	Ch.137 - 370
31-1416A	New Section Added	Ch.317 - 782
31-1432	Amended	Ch.137 - 371
31-1435	Amended	Ch.137 - 371
31-2202	Amended	Ch.290 - 732
31-2402	Amended	Ch.220 - 582
31-2407	Amended	Ch.220 - 583
31-2602	Amended	Ch.139 - 375
31-3201	Amended	Ch.103 - 290
31-3205	Amended	Ch. 14 - 55
31-3515A	New Section Added	Ch.240 - 652
Ch.36	Referred to	Ch.214 - 548
Ch.37	Referred to	Ch.214 - 548
31-4113	Amended	Ch. 94 - 273
31-4403	Amended	Ch. 19 - 60
TITLE 32		
32-706	Amended	Ch.222 - 604
32-710A	Amended	Ch.222 - 605
Ch.11	Referred to	Ch.222 - 603
32-1201	New Section Added	Ch.222 - 594
32-1202	New Section Added	Ch.222 - 594
32-1203	New Section Added	Ch.222 - 595
32-1204	New Section Added	Ch.222 - 596
32-1205	New Section Added	Ch.222 - 596
32-1205	Referred to	Ch.221 - 590
32-1206	New Section Added	Ch.222 - 596
32-1207	New Section Added	Ch.222 - 597
32-1208	New Section Added	Ch.222 - 597
32-1209	New Section Added	Ch.222 - 598
32-1210	New Section Added	Ch.222 - 599
32-1211	New Section Added	Ch.222 - 601
32-1212	New Section Added	Ch.222 - 601

TITLE 32 (Continued)		Chapter - Page
32-1213	New Section Added	Ch.222 - 602
32-1214	New Section Added	Ch.222 - 602
TITLE 33		
33-107	Amended	Ch. 31 - 101
33-118A	New Section Added	Ch.302 - 753
33-351	New Section Added	Ch. 61 - 177
33-352	New Section Added	Ch. 61 - 177
33-353	New Section Added	Ch. 61 - 178
33-354	New Section Added	Ch. 61 - 178
33-355	New Section Added	Ch. 61 - 179
33-424	New Section Added	Ch.348 - 857
33-425	New Section Added	Ch.348 - 857
33-426	New Section Added	Ch.348 - 858
33-427	New Section Added	Ch.348 - 858
33-428	New Section Added	Ch.348 - 858
33-429	New Section Added	Ch.348 - 859
33-430	New Section Added	Ch.348 - 860
33-431	New Section Added	Ch.348 - 860
33-432	New Section Added	Ch.348 - 860
33-433	New Section Added	Ch.348 - 861
33-434	New Section Added	Ch.348 - 861
33-435	New Section Added	Ch.348 - 861
33-436	New Section Added	Ch.348 - 862
33-437	New Section Added	Ch.348 - 862
33-438	New Section Added	Ch.348 - 862
33-439	New Section Added	Ch.348 - 863
33-440	New Section Added	Ch.348 - 863
33-441	New Section Added	Ch.348 - 863
33-442	New Section Added	Ch.348 - 863
33-504	Amended	Ch.348 - 864
33-512	Amended	Ch.302 - 753
33-512A	New Section Added	Ch.302 - 754
33-513	Amended	Ch. 46 - 134
33-701	Amended	Ch. 47 - 137
33-801A	Amended	Ch. 44 - 130
33-1002	Amended	Ch. 45 - 130
33-1009	Referred to	Ch.335 - 823
33-1503	Amended	Ch. 48 - 140
33-2720	Amended	Ch. 21 - 62
33-3012	New Section Added	Ch.239 - 651
33-3717	Amended	Ch. 34 - 106
33-3717A	Amended	Ch. 32 - 103
TITLE 34		
34-626	Amended	Ch.183 - 481
34-2309	Amended	Ch. 97 - 276
TITLE 36		
36-104	Amended	Ch. 52 - 149
36-104	Amended	Ch.288 - 725
36-104	Amended	Ch.329 - 810
36-107	Amended	Ch.294 - 740
36-202	Amended	Ch. 49 - 141

TITLE 36 (Continued)		Chapter - Page
36-202	Amended	Ch. 51 - 145
36-403	Amended	Ch. 5 - 44
36-404	Amended	Ch. 51 - 148
36-404	Amended	Ch. 52 - 151
36-406	Amended	Ch. 52 - 152
36-407	Amended	Ch. 7 - 46
36-407	Amended	Ch. 16 - 57
36-407	Amended	Ch. 52 - 153
36-407	Amended	Ch.138 - 374
36-407	Amended	Ch.244 - 663
36-408	Amended	Ch.235 - 647
36-409	Amended	Ch. 7 - 47
36-409	Amended	Ch. 52 - 154
36-410	Amended	Ch.294 - 739
36-413	New Section Added	Ch. 52 - 155
36-1101	Amended	Ch. 75 - 231
36-1101	Amended	Ch.297 - 746
36-2106	Amended	Ch.236 - 648
TITLE 37		
37-326	Amended	Ch.101 - 282
37-327	Repealed	Ch.101 - 282
37-402	Amended	Ch.101 - 282
37-410	Amended	Ch.101 - 284
37-411	Amended	Ch.101 - 285
37-412	Amended	Ch.101 - 286
37-506	Amended	Ch.101 - 287
37-2705	Amended	Ch.209 - 535
37-2707	Amended	Ch.209 - 538
37-2711	Amended	Ch.209 - 540
37-2713	Amended	Ch.209 - 542
37-2732	Amended	Ch.286 - 709
37-2744	Amended	Ch.286 - 712
37-2744A	New Section Added	Ch.286 - 718
TITLE 38		
38-1203	Amended	Ch.330 - 813
38-1205	Amended	Ch.330 - 813
38-1213	Amended	Ch.330 - 813
38-1214	Amended	Ch.330 - 814
38-1217	Amended	Ch.330 - 814
38-1220A	Amended	Ch.243 - 661
38-1221	Amended	Ch.243 - 662
38-1306	Amended	Ch.241 - 654
38-1307	Amended	Ch.241 - 655
TITLE 39		
39-101	Amended	Ch. 60 - 170
39-108	Amended	Ch. 60 - 170
39-109	Repealed	Ch. 60 - 174
39-109	New Section Added	Ch. 60 - 174
39-110	Amended	Ch. 60 - 175
39-111	Amended	Ch. 60 - 175
39-116	Amended	Ch. 60 - 175

TITLE 39 (Continued)		Chapter - Page
39-117	Amended	Ch. 60 - 176
39-118	Amended	Ch. 60 - 176
39-147	Amended	Ch. 38 - 121
39-401	Amended	Ch. 63 - 180
39-409	Amended	Ch. 63 - 181
39-411	Amended	Ch. 63 - 181
39-413	Amended	Ch. 63 - 182
39-414	Amended	Ch. 63 - 182
39-416	Amended	Ch. 17 - 58
39-419	Amended	Ch. 63 - 183
39-423	Amended	Ch. 63 - 184
39-424	Amended	Ch. 63 - 185
39-425	Amended	Ch. 64 - 186
39-427	Repealed	Ch. 86 - 250
39-601	Amended	Ch. 70 - 195
39-1392f	Amended	Ch. 95 - 273
39-1393	Amended	Ch.100 - 280
39-1611	Amended	Ch.314 - 776
39-1612	Amended	Ch.314 - 776
39-2301	Amended	Ch.325 - 798
39-2302	Amended and Redesignated 39-2303	Ch.325 - 799
39-2302	New Section Added	Ch.325 - 798
39-2303	Amended and Redesignated 39-2304	Ch.325 - 799
39-2303	Redesignated from 39-2302	Ch.325 - 799
39-2304	Redesignated from 39-2303	Ch.325 - 799
39-2305	New Section Added	Ch.325 - 800
39-3301	Amended	Ch.340 - 845
39-3602	Amended	Ch. 66 - 187
39-4105	Amended	Ch. 30 - 85
39-4106	Amended	Ch.304 - 755
39-4403	Amended	Ch.324 - 794
39-4403	Amended	Ch.148 - 416
39-4404	Amended	Ch.182 - 479
39-4405	Amended	Ch.148 - 417
39-4408	Amended	Ch.148 - 418
39-4409	Amended	Ch.148 - 419
39-4410	Amended	Ch.231 - 628
39-4411	Amended	Ch.148 - 421
39-4413	Amended	Ch.148 - 422
39-4417B	Amended	Ch.231 - 630
39-4423	New Section Added	Ch.324 - 797
39-4426	Amended	Ch.231 - 630
39-4502	Amended	Ch. 71 - 196
39-4503	Amended	Ch. 71 - 196
39-4504	Amended	Ch. 71 - 197
39-4506	Amended	Ch. 71 - 199
39-5408	New Section Added	Ch.111 - 304
TITLE 40		
40-104	Amended	Ch.328 - 803
40-109	Amended	Ch.328 - 804
40-201	Amended	Ch.206 - 512

TITLE 40 (Continued)		Chapter - Page
40-201	Amended	Ch.328 - 804
40-202	Amended	Ch.206 - 512
40-203	Amended	Ch.206 - 513
40-203	Amended	Ch.328 - 804
40-203A	New Section Added	Ch.206 - 514
40-206	Amended	Ch.328 - 805
40-317	Amended	Ch. 99 - 277
40-603	Amended	Ch.328 - 805
40-604	Amended	Ch.328 - 805
40-607	Amended	Ch.328 - 806
40-716	New Section Added	Ch. 99 - 278
40-801	Referred to	Ch. 73 - 217
40-1101	Amended	Ch.327 - 802
40-1310	Amended	Ch.328 - 807
40-1311	Amended	Ch.328 - 809
40-1416	New Section Added	Ch.260 - 679
40-1711	Repealed	Ch. 98 - 277
TITLE 41		
41-114	Amended	Ch.119 - 313
41-308	Amended	Ch. 42 - 126
41-313	Amended	Ch. 57 - 164
41-316	Amended	Ch. 57 - 165
41-317	Amended	Ch.247 - 666
41-336A	Amended	Ch. 54 - 160
41-336B	New Section Added	Ch. 54 - 161
41-336C	New Section Added	Ch. 54 - 161
41-336D	New Section Added	Ch. 54 - 162
41-337	Referred to	Ch. 2 - 40
41-913	Amended	Ch. 41 - 125
41-1058	Amended	Ch. 2 - 40
41-1077	Amended	Ch. 40 - 124
41-1841	New Section Added	Ch.310 - 762
41-2870	Referred to	Ch.247 - 667
41-4309	Amended	Ch. 43 - 127
TITLE 42		
42-108	Amended	Ch.313 - 764
42-114	New Section Added	Ch.199 - 498
42-201	Amended	Ch.313 - 765
42-203A	Referred to	Ch.313 - 770,771
42-203B	Amended	Ch.117 - 309
42-203C	Amended	Ch.117 - 311
42-203D	Amended	Ch.117 - 311
42-204	Amended	Ch.313 - 765
42-206	Amended	Ch.217 - 554
42-217	Amended	Ch.242 - 658
42-221	Amended	Ch.242 - 659
42-221	Amended	Ch.313 - 768
42-222	Amended	Ch.313 - 769
42-240	Repealed	Ch.313 - 772
42-311	Repealed	Ch.313 - 772
42-311	New Section Added	Ch.313 - 772

TITLE 42 (Continued)		Chapter - Page
42-350	New Section Added	Ch.313 - 773
42-351	New Section Added	Ch.313 - 774
42-352	New Section Added	Ch.313 - 774
42-604	Amended	Ch. 78 - 236
42-613A	New Section Added	Ch. 78 - 237
42-1401	Repealed	Ch.220 - 560
42-1401	New Section Added	Ch.220 - 560
42-1401A	New Section Added	Ch.220 - 560
42-1401A	New Section Added	Ch.234 - 645
42-1402	Amended	Ch.220 - 561
42-1404	New Section Added	Ch.220 - 562
42-1405	Amended	Ch.220 - 563
42-1405	Amended	Ch.230 - 621
42-1406	Amended	Ch.220 - 565
42-1407	Repealed	Ch.220 - 560
42-1407	New Section Added	Ch.220 - 566
42-1408	Repealed	Ch.220 - 560
42-1408	New Section Added	Ch.220 - 566
42-1408A	New Section Added	Ch.220 - 568
42-1408A	New Section Added	Ch.230 - 624
42-1409	Repealed	Ch.220 - 560
42-1409	New Section Added	Ch.220 - 570
42-1410	Repealed	Ch.220 - 560
42-1410	New Section Added	Ch.220 - 572
42-1411	Repealed	Ch.220 - 560
42-1411	New Section Added	Ch.220 - 573
42-1412	Repealed	Ch.220 - 560
42-1412	New Section Added	Ch.220 - 575
42-1413	Repealed	Ch.220 - 560
42-1413	New Section Added	Ch.220 - 577
42-1415	Repealed	Ch.220 - 560
42-1415	New Section Added	Ch.220 - 578
42-1417	New Section Added	Ch.220 - 578
42-1418	New Section Added	Ch.220 - 579
42-1418	New Section Added	Ch.230 - 626
42-1419	New Section Added	Ch.220 - 579
42-1420	New Section Added	Ch.220 - 580
42-1420	New Section Added	Ch.230 - 626
42-1421	New Section Added	Ch.220 - 580
42-1422	New Section Added	Ch.220 - 581
42-1422	New Section Added	Ch.230 - 627
42-1423	New Section Added	Ch.220 - 582
42-1765	Amended	Ch. 78 - 236
42-1777	Amended	Ch.220 - 582
42-1778	New Section Added	Ch.313 - 774
42-1805	Amended	Ch.313 - 775
42-2913	Amended	Ch. 62 - 179
42-3119	Amended	Ch.142 - 399
42-3211b	New Section Added	Ch. 83 - 243
TITLE 44		
44-401	Repealed	Ch. 24 - 71

TITLE 44 (Continued)		Chapter - Page
44-402	Repealed	Ch. 24 - 71
44-403	Repealed	Ch. 24 - 71
TITLE 46		
46-1010	Amended	Ch.107 - 294
46-1018	New Section Added	Ch.107 - 295
TITLE 47		
47-701	Amended	Ch. 81 - 239
47-701A	New Section Added	Ch. 81 - 239
47-702	Amended	Ch.131 - 338
47-704	Amended	Ch. 81 - 240
47-1208	Amended	Ch. 73 - 207
47-1208	Amended	Ch. 92 - 269
47-1318	Amended	Ch. 82 - 242
TITLE 49		
Ch.1	Referred to	Ch.260 - 680
49-101	Amended	Ch.287 - 719
49-113	Amended	Ch.292 - 737
49-126	Referred to	Ch.292 - 737
49-127	Amended	Ch.135 - 362
49-157	Amended	Ch.292 - 738
49-159	Amended	Ch.267 - 692
49-202	Referred to	Ch.260 - 679
49-218	New Section Added	Ch.211 - 545
49-231A	New Section Added	Ch.106 - 293
49-233 thru 49-235	Referred to	Ch.346 - 854
49-322	Amended	Ch.203 - 507
49-322	Amended	Ch.326 - 801
49-330	Amended	Ch.208 - 531
49-330	Referred to	Ch.346 - 854
49-331A	Amended	Ch.203 - 508
49-698	Amended	Ch.238 - 650
49-764	New Section Added	Ch.346 - 854
49-801A	Amended	Ch.198 - 497
49-901	Repealed	Ch.172 - 459
49-901	Redesignated from 49-901A	Ch.172 - 459
49-901A	Amended and Redesignated 49-901	Ch.172 - 459
49-901B	Repealed	Ch.172 - 459
49-902	Repealed	Ch. 80 - 238
49-902	New Section Added	Ch. 80 - 238
49-913	Repealed	Ch.287 - 722
49-913	New Section Added	Ch.287 - 723
49-914	Repealed	Ch.287 - 722
49-1102	New Section Added	Ch.208 - 533
49-1109	Amended	Ch.208 - 534
49-1132A	New Section Added	Ch.320 - 788
49-1404	Amended	Ch. 96 - 274
49-2501	New Section Added	Ch.231 - 631
49-2502	New Section Added	Ch.231 - 631
49-2503	New Section Added	Ch.231 - 631
49-2504	New Section Added	Ch.231 - 632

TITLE 49 (Continued)		Chapter - Page
49-2505	New Section Added	Ch.231 - 633
49-2506	New Section Added	Ch.231 - 633
49-2507	New Section Added	Ch.231 - 634
49-2508	New Section Added	Ch.231 - 634
49-2509	New Section Added	Ch.231 - 635
49-2510	New Section Added	Ch.231 - 635
49-2511	New Section Added	Ch.231 - 635
49-2512	New Section Added	Ch.231 - 637
49-2513	New Section Added	Ch.231 - 637
49-2514	New Section Added	Ch.231 - 638
49-2515	New Section Added	Ch.231 - 638
49-2603	Amended	Ch.323 - 791
49-2605	Amended	Ch.323 - 792
49-2608	Amended	Ch.323 - 793
49-2613	Amended	Ch.323 - 793
49-2616	New Section Added	Ch.323 - 794
49-2702	Amended and Redesignated 49-2703	Ch.233 - 642
49-2702	New Section Added	Ch.233 - 642
49-2703	Amended and Redesignated 49-2704	Ch.233 - 643
49-2703	Redesignated from 49-2702	Ch.233 - 642
49-2704	Amended and Redesignated 49-2705	Ch.233 - 643
49-2704	Redesignated from 49-2703	Ch.233 - 643
49-2705	Amended and Redesignated 49-2706	Ch.233 - 643
49-2705	Redesignated from 49-2704	Ch.233 - 643
49-2706	Amended and Redesignated 49-2707	Ch.233 - 643
49-2706	Redesignated from 49-2705	Ch.233 - 643
49-2707	Amended and Redesignated 49-2708	Ch.233 - 644
49-2707	Redesignated from 49-2706	Ch.233 - 643
49-2708	Amended and Redesignated 49-2709	Ch.233 - 644
49-2708	Redesignated from 49-2707	Ch.233 - 644
49-2709	Amended and Redesignated 49-2710	Ch.233 - 645
49-2709	Redesignated from 49-2708	Ch.233 - 644
49-2710	Redesignated from 49-2709	Ch.233 - 645
49-2801	Amended	Ch. 30 - 87
49-3201	Repealed	Ch.207 - 516
49-3202	Repealed	Ch.207 - 516
49-3203	Repealed	Ch.207 - 516
49-3204	Repealed	Ch.207 - 516
49-3205	Repealed	Ch.207 - 516
49-3206	Repealed	Ch.207 - 516
49-3207	Repealed	Ch.207 - 516
49-3208	Repealed	Ch.207 - 516
49-3209	Repealed	Ch.207 - 516
49-3209	Amended	Ch.270 - 694
49-3210	Repealed	Ch.207 - 516
49-3211	Repealed	Ch.207 - 516
49-3212	Repealed	Ch.207 - 516
49-3213	Repealed	Ch.207 - 516
49-3214	Repealed	Ch.207 - 516
49-3215	Repealed	Ch.207 - 516
49-3216	Repealed	Ch.207 - 516

TITLE 49 (Continued)		Chapter - Page
49-3217	Repealed	Ch.207 - 516
49-3218	Repealed	Ch.207 - 516
49-3219	Repealed	Ch.207 - 516
49-3220	Repealed	Ch.207 - 516
49-3221	Repealed	Ch.207 - 516
49-3222	Repealed	Ch.207 - 516
49-3223	Repealed	Ch.207 - 516
49-3224	Repealed	Ch.207 - 516
49-3225	Repealed	Ch.207 - 516
49-3226	Repealed	Ch.207 - 516
49-3227	Repealed	Ch.207 - 516
49-3227	Amended	Ch.291 - 734
49-3228	Repealed	Ch.207 - 516
49-3229	Repealed	Ch.207 - 516
49-3230	New Section Added	Ch.291 - 734
49-3231	New Section Added	Ch.291 - 735
49-3408	Amended	Ch.203 - 506
TITLE 50		
50-344	New Section Added	Ch. 19 - 60
50-1013	Amended	Ch. 74 - 222
50-1013	Amended	Ch. 88 - 257
50-1049	Amended	Ch. 73 - 207
50-2006	Amended	Ch. 9 - 50
50-2017	Amended	Ch. 9 - 51
50-2708	Amended	Ch. 29 - 82
TITLE 53		
53-254	Amended	Ch.108 - 298
53-262	Amended	Ch.108 - 298
TITLE 54		
54-206	Amended	Ch.128 - 331
54-218	Amended	Ch.128 - 333
54-218A	New Section Added	Ch.128 - 334
54-219	Amended	Ch.128 - 335
54-220	Amended	Ch.128 - 335
54-903	Amended	Ch. 35 - 108
54-908	Amended	Ch. 35 - 109
54-912	Amended	Ch. 35 - 110
54-916	Amended	Ch. 35 - 112
54-918	Amended	Ch. 35 - 112
54-920	Amended	Ch. 35 - 113
54-923	Amended	Ch. 35 - 116
54-924	Amended	Ch. 35 - 116
54-934	New Section Added	Ch.331 - 815
54-1002	Amended	Ch.296 - 743
54-1003	Amended	Ch.296 - 743
54-1003A	Amended	Ch.296 - 743
54-1005	Amended	Ch.296 - 744
54-1006	Amended	Ch.305 - 756
54-1007	Amended	Ch.296 - 745
54-1007	Amended	Ch.309 - 760
54-1010	Amended	Ch.309 - 761

TITLE 54 (Continued)		Chapter - Page
54-1013	Amended	Ch.307 - 758
54-1014	Amended	Ch.191 - 487
54-1019	Amended	Ch.308 - 759
54-1201	Amended	Ch.140 - 377
54-1202	Amended	Ch.140 - 377
54-1203	Amended	Ch.140 - 379
54-1204	Amended	Ch.140 - 380
54-1205	Amended	Ch.140 - 380
54-1206	Amended	Ch.140 - 380
54-1208	Amended	Ch.140 - 380
54-1209	Amended	Ch.140 - 382
54-1210	Amended	Ch.140 - 382
54-1211	Amended	Ch.140 - 383
54-1212	Amended	Ch.140 - 383
54-1213	Amended	Ch.140 - 385
54-1214	Amended	Ch.140 - 386
54-1215	Amended	Ch.140 - 388
54-1216	Amended	Ch.140 - 389
54-1217	Amended	Ch.140 - 390
54-1219	Amended	Ch.140 - 390
54-1220	Amended	Ch.140 - 391
54-1221	Amended	Ch.140 - 392
54-1222	Amended	Ch.140 - 392
54-1223	Amended	Ch.140 - 393
54-1227	Amended	Ch.140 - 395
54-1228	Amended	Ch.140 - 395
54-1229	Amended	Ch.140 - 395
54-1230	Amended	Ch.140 - 395
54-1234	Amended	Ch.140 - 396
54-1235	Amended	Ch.140 - 396
54-1506	Amended	Ch.109 - 299
54-1507	Amended	Ch.109 - 299
54-1508	Amended	Ch.109 - 300
54-1509	Amended	Ch.109 - 301
54-1901	Amended	Ch. 67 - 189
54-1926	Amended	Ch. 67 - 191
54-1926A	New Section Added	Ch. 67 - 192
54-2512	Amended	Ch. 69 - 194
54-2605	Amended	Ch.306 - 757
54-3003	Amended	Ch. 53 - 156
TITLE 55		
55-403	Amended	Ch.136 - 366
55-403A	New Section Added	Ch.136 - 366
TITLE 56		
Title 56	Referred to	Ch.222 - 595
56-101	Amended	Ch. 87 - 251
56-104	Amended	Ch. 87 - 253
56-108	Amended	Ch. 87 - 253
56-113	Amended	Ch. 87 - 256
56-203C	Amended	Ch.222 - 603
56-231	Amended	Ch.152 - 438

		Chapter - Page
TITLE 57		
57-110	Amended	Ch. 74 - 223
57-111	Amended	Ch. 74 - 223
57-111A	Amended	Ch. 74 - 224
57-112	Amended	Ch. 74 - 224
57-113	Amended	Ch. 74 - 225
57-127	Amended	Ch. 74 - 225
57-127A	Amended	Ch. 74 - 226
57-128	Amended	Ch. 74 - 226
57-130	Amended	Ch. 74 - 226
57-133A	Repealed	Ch.116 - 308
57-133A	Amended	Ch. 74 - 227
57-133B	Amended	Ch. 74 - 227
57-139	Amended	Ch. 74 - 228
57-141	Amended	Ch. 74 - 228
57-145	Amended	Ch. 74 - 228
57-727	Amended	Ch. 68 - 193
57-815	New Section Added	Ch. 85 - 249
TITLE 58		
58-301	Amended	Ch.114 - 306
58-314	Amended	Ch.130 - 336
58-315	Repealed	Ch.130 - 338
58-332	Amended	Ch.113 - 305
58-335A	New Section Added	Ch.129 - 336
TITLE 59		
59-501	Amended	Ch.272 - 695
Ch.10	Referred to	Ch.210 - 543
59-1009	Referred to	Ch.337 - 828
59-1115	Amended	Ch.252 - 673
59-1302	Amended	Ch.147 - 409
59-1303A	Amended	Ch.147 - 414
59-1304	Amended	Ch.143 - 400
59-1305	Amended	Ch.143 - 400
59-1310A	Repealed	Ch.147 - 414
59-1310B	Repealed	Ch.147 - 414
59-1319A	Amended	Ch.122 - 322
59-1324	Amended	Ch.147 - 414
59-1325	Amended	Ch.221 - 588
59-1328	Amended	Ch.147 - 415
59-1330	Amended	Ch.143 - 401
59-1330	Amended	Ch.146 - 408
59-1601	Amended	Ch.133 - 354
59-1607	Amended	Ch.133 - 354
TITLE 60		
60-113	Amended	Ch.332 - 816
TITLE 61		
Ch.8	Referred to	Ch.231 - 634
TITLE 63		
63-105D	Amended	Ch.213 - 547
63-105P	Amended	Ch.207 - 530
63-105DD	Amended	Ch. 56 - 163
63-117	Amended	Ch. 30 - 88

TITLE 63 (Continued)		Chapter - Page
63-307A	Amended	Ch. 30 - 90
63-307B	Amended	Ch. 30 - 90
63-1203	Amended	Ch. 30 - 91
63-1302	Amended	Ch. 30 - 92
63-1310	Amended	Ch. 30 - 92
63-2220	Amended	Ch.343 - 850
63-2401	Amended	Ch.315 - 777
63-2401	Referred to	Ch.344 - 852
63-2405	Amended	Ch.344 - 852
63-2410	Amended	Ch.175 - 465
63-2412	Amended	Ch. 73 - 208
63-2412	Amended	Ch. 99 - 279
63-2418	Amended	Ch. 73 - 209
63-2422	Amended	Ch.175 - 466
63-2442A	New Section Added	Ch.315 - 779
63-2503	Repealed	Ch.193 - 489
63-2503	New Section Added	Ch.193 - 489
63-2504	Amended	Ch.193 - 489
63-2507	Amended	Ch.193 - 490
63-2508	Amended	Ch.193 - 490
63-2511	Amended	Ch.193 - 490
63-2512	Amended	Ch.193 - 491
63-2516	Amended	Ch.193 - 491
63-2520	Amended	Ch. 73 - 210
63-2564	Amended	Ch. 73 - 211
63-2701	Amended	Ch. 91 - 268
63-2702	Amended	Ch. 73 - 211
63-2702	Amended	Ch. 91 - 268
63-2704	Amended	Ch. 91 - 269
63-3004	Amended	Ch. 11 - 53
63-3013	Amended	Ch.245 - 664
63-3013A	Amended	Ch. 90 - 262
63-3022	Amended	Ch. 90 - 262
63-3022G	New Section Added	Ch.336 - 824
63-3024	Amended	Ch. 90 - 267
63-3025C	New Section Added	Ch. 18 - 59
63-3027B	New Section Added	Ch.342 - 846
63-3027C	New Section Added	Ch.342 - 848
63-3027D	New Section Added	Ch.342 - 849
63-3027E	New Section Added	Ch.342 - 849
63-3029A	Amended	Ch.219 - 557
63-3029B	Amended and Redesignated 63-3029C	Ch.141 - 398
63-3029C	Redesignated from 63-3029B	Ch.141 - 398
63-3030A	Referred to	Ch. 92 - 270
63-3030A	Referred to	Ch.193 - 492
63-3035	Amended	Ch.132 - 339
63-3045	Referred to	Ch.175 - 465
63-3045	Referred to	Ch.193 - 492
63-3045	Referred to	Ch.200 - 499
63-3067	Amended	Ch. 73 - 211
63-3067A	Amended	Ch. 73 - 212

TITLE 63 (Continued) Chapter - Page
63-3067B Amended ..... Ch. 73 - 213
63-3067B Repealed ..... Ch. 85 - 249
63-3067B New Section Added ..... Ch. 85 - 249
63-3067C Amended ..... Ch. 73 - 213
63-3067D Amended ..... Ch. 73 - 214
63-3068 Referred to ..... Ch.193 - 492
63-3069 Referred to ..... Ch. 92 - 270
63-3070 Referred to ..... Ch.193 - 492
63-3072 Referred to ..... Ch. 92 - 270
63-3073 Referred to ..... Ch. 92 - 270
63-3073 Referred to ..... Ch.193 - 492
63-3102 Amended ..... Ch. 33 - 104
63-3104 Amended ..... Ch. 33 - 105
63-3201 thru
63-3205 Referred to ..... Ch.211 - 546
63-3201 thru
63-3025 Referred to ..... Ch.334 - 820
63-3606 Amended ..... Ch. 30 - 92
63-3606A Amended ..... Ch. 30 - 93
63-3609 Amended ..... Ch. 30 - 93
63-3613 Amended ..... Ch. 30 - 94
63-3613 Amended ..... Ch.300 - 749
63-3616 Amended ..... Ch.192 - 488
63-3622 Amended ..... Ch. 30 - 95
63-3622 Amended ..... Ch.120 - 314
63-3622 Amended ..... Ch.180 - 472
63-3622CC New Section Added ..... Ch.180 - 477
63-3622DD New Section Added ..... Ch.180 - 478
63-3623B New Section Added ..... Ch.299 - 748
63-3638 Amended ..... Ch. 73 - 215
63-3640 New Section Added ..... Ch. 39 - 121
63-3640A New Section Added ..... Ch. 39 - 122
63-3640A Amended (as enacted by H698) ..... Ch.224 - 611
63-3906 Amended ..... Ch. 30 - 101
63-3910 Amended ..... Ch. 30 - 101
TITLE 66
66-317 Amended ..... Ch. 84 - 243
66-320 Amended ..... Ch. 84 - 245
66-324 Amended ..... Ch. 84 - 245
TITLE 67
67-429 Amended ..... Ch.134 - 362
67-451 Referred to ..... Ch. 1 - 40
67-452 New Section Added ..... Ch. 50 - 144
67-455 New Section Added ..... Ch.123 - 324
67-802 Amended ..... Ch.301 - 751
67-1210 Amended ..... Ch. 74 - 229
67-1210 Amended ..... Ch. 88 - 258
67-1210 Referred to ..... Ch.231 - 634
67-1401 Amended ..... Ch. 6 - 44
67-2002 Amended ..... Ch.321 - 789
67-2302 New Section Added ..... Ch.200 - 499

TITLE 67 (Continued)		Chapter - Page
67-2309	Amended	Ch.293 - 738
67-2340	Referred to	Ch.123 - 324
67-2345	Amended	Ch. 59 - 168
67-2347	Referred to	Ch.123 - 324
67-2901	Amended	Ch.215 - 549
67-3001	New Section Added	Ch.153 - 439
67-3002	New Section Added	Ch.153 - 440
67-3003	New Section Added	Ch.153 - 440
67-3004	New Section Added	Ch.153 - 440
67-3005	New Section Added	Ch.153 - 440
Ch.35	Referred to	Ch.134 - 356
67-3608 thru 67-3611	Referred to	Ch.273 - 697
67-4708	New Section Added	Ch.104 - 291
67-4718	Amended	Ch. 73 - 218
67-4917C	Amended	Ch. 73 - 219
67-5201	Amended	Ch.318 - 783
67-5205	Amended	Ch.105 - 292
67-5302	Amended	Ch.133 - 342
67-5303	Amended	Ch.133 - 346
67-5303	Amended	Ch.204 - 509
67-5304	Amended	Ch.134 - 356
67-5305	Amended	Ch.133 - 348
67-5309	Amended	Ch.127 - 327
67-5309	Amended	Ch.133 - 348
67-5309A	Amended and Redesignated 67-5315	Ch.134 - 357
67-5311	Amended	Ch.133 - 352
67-5315	Repealed	Ch.134 - 356
67-5315	Redesignated from 67-5309A	Ch.134 - 357
67-5316	Amended	Ch.134 - 358
67-5317	Repealed	Ch.134 - 361
67-5317	New Section Added	Ch.134 - 361
67-5318	New Section Added	Ch.134 - 361
67-5328	Amended	Ch.133 - 353
67-5329	Amended	Ch.133 - 353
67-5331	Amended	Ch.133 - 354
67-5413	New Section Added	Ch.341 - 846
67-5718	Amended	Ch.264 - 684
67-5720	Amended	Ch.264 - 685
67-5730	Amended	Ch.264 - 685
67-5733	Amended	Ch.264 - 686
67-5761	Amended	Ch.150 - 435
67-6409	Amended	Ch.151 - 436
67-6602	Amended	Ch.218 - 554
67-6607	Amended	Ch.218 - 556
67-6704	Amended	Ch. 28 - 81
67-6706	Amended	Ch. 28 - 82
67-7001	New Section Added	Ch.207 - 516
67-7002	New Section Added	Ch.207 - 516
67-7003	New Section Added	Ch.207 - 516
67-7004	New Section Added	Ch.207 - 518

TITLE 67 (Continued) Chapter - Page
67-7005 New Section Added ..... Ch.207 - 518
67-7006 New Section Added ..... Ch.207 - 518
67-7007 New Section Added ..... Ch.207 - 518
67-7008 New Section Added ..... Ch.207 - 519
67-7009 New Section Added ..... Ch.207 - 521
67-7010 New Section Added ..... Ch.207 - 522
67-7011 New Section Added ..... Ch.207 - 522
67-7012 New Section Added ..... Ch.207 - 523
67-7013 New Section Added ..... Ch.207 - 523
67-7014 New Section Added ..... Ch.207 - 525
67-7015 New Section Added ..... Ch.207 - 525
67-7016 New Section Added ..... Ch.207 - 525
67-7017 New Section Added ..... Ch.207 - 526
67-7018 New Section Added ..... Ch.207 - 526
67-7019 New Section Added ..... Ch.207 - 526
67-7020 New Section Added ..... Ch.207 - 526
67-7021 New Section Added ..... Ch.207 - 526
67-7022 New Section Added ..... Ch.207 - 526
67-7023 New Section Added ..... Ch.207 - 526
67-7024 New Section Added ..... Ch.207 - 526
67-7025 New Section Added ..... Ch.207 - 527
67-7026 New Section Added ..... Ch.207 - 527
67-7027 New Section Added ..... Ch.207 - 527
67-7028 New Section Added ..... Ch.207 - 528
67-7029 New Section Added ..... Ch.207 - 528
67-7030 New Section Added ..... Ch.207 - 528
67-7031 New Section Added ..... Ch.207 - 529
67-7032 New Section Added ..... Ch.207 - 529
67-7033 New Section Added ..... Ch.207 - 530
TITLE 68
68-701 Amended ..... Ch. 55 - 162
TITLE 70
70-1612 Amended ..... Ch.118 - 312
TITLE 72
Title 72 Referred to ..... Ch.221 - 592
72-302 Amended ..... Ch.247 - 667
72-327 Repealed ..... Ch. 93 - 270
72-327 New Section Added ..... Ch. 93 - 271
72-328 Repealed ..... Ch. 93 - 270
72-328 New Section Added ..... Ch. 93 - 271
72-420 Amended ..... Ch. 93 - 272
72-503 New Section Added ..... Ch. 79 - 238
Ch.8 Referred to ..... Ch.222 - 595
72-921 Amended ..... Ch.112 - 305
72-1001 New Section Added ..... Ch.337 - 825
72-1002 New Section Added ..... Ch.337 - 825
72-1003 New Section Added ..... Ch.337 - 825
72-1004 New Section Added ..... Ch.337 - 827
72-1005 New Section Added ..... Ch.337 - 827
72-1006 New Section Added ..... Ch.337 - 827
72-1007 New Section Added ..... Ch.337 - 828

TITLE 72 (Continued)		Chapter - Page
72-1008	New Section Added	Ch.337 - 828
72-1009	New Section Added	Ch.337 - 828
72-1010	New Section Added	Ch.337 - 828
72-1011	New Section Added	Ch.337 - 828
72-1012	New Section Added	Ch.337 - 828
72-1013	New Section Added	Ch.337 - 828
72-1014	New Section Added	Ch.337 - 829
72-1015	New Section Added	Ch.337 - 829
72-1016	New Section Added	Ch.337 - 829
72-1017	New Section Added	Ch.337 - 830
72-1018	New Section Added	Ch.337 - 830
72-1019	New Section Added	Ch.337 - 830
72-1020	New Section Added	Ch.337 - 832
72-1021	New Section Added	Ch.337 - 832
72-1022	New Section Added	Ch.337 - 832
72-1023	New Section Added	Ch.337 - 832
72-1024	New Section Added	Ch.337 - 833
72-1025	New Section Added	Ch.337 - 833
72-1026	New Section Added	Ch.337 - 834
Ch.13	Referred to	Ch.222 - 594
72-1328	Amended	Ch. 25 - 77
72-1350	Amended	Ch. 23 - 68
72-1351	Amended	Ch. 24 - 71
72-1365	Amended	Ch.221 - 585
72-1366	Amended	Ch. 22 - 63
72-1369	Amended	Ch. 24 - 76
72-1411	Referred to	Ch.147 - 414
TITLE 73		
73-121	New Section Added	Ch.282 - 706

IDAHO CONSTITUTION

Art. I, Sec. 17	Referred to	Ch. 60 - 172
Art. III, Sec. 2	Amendment Proposed	HJR4 - 869
Art. III, Sec. 4	Amendment Proposed	HJR4 - 869
Art. III, Sec. 5	Amendment Proposed	HJR4 - 870
Art. IV, Sec. 7	Amendment Proposed	SJR107 - 867
Art. VI, Sec. 6	Referred to	Ch.348 - 857
Art. VIII	Referred to	Ch.327 - 802
Art. XVIII, Sec. 6	Amendment Proposed	SJR102 - 866

LAWS OF 1982

Ch. 84	Referred to	Ch.141 - 398

LAWS OF 1983

Ch. 4	Referred to	Ch.132 - 339
Ch. 20	Referred to	Ch.132 - 339

LAWS OF 1984

Ch.119	Referred to	Ch. 30 - 95
Ch.119	Referred to	Ch.120 - 314
Ch.119	Referred to	Ch.180 - 472

LAWS OF 1984 (Continued)

		Chapter - Page
Ch.195	Referred to	Ch. 30 - 95
Ch.195	Referred to	Ch.120 - 314
Ch.195	Referred to	Ch.180 - 472
Ch.287	Referred to	Ch. 30 - 95
Ch.287	Referred to	Ch.120 - 314
Ch.287	Referred to	Ch.180 - 472

LAWS OF 1985

Ch. 30, Sec. 1	Amended	Ch. 1 - 39
Ch. 46, Sec. 1	Amended	Ch. 1 - 15
Ch. 46, Sec. 1	Referred to	Ch. 12 - 53
Ch. 47, Sec. 2	Amended	Ch. 1 - 22
Ch. 48, Sec. 1	Amended	Ch. 1 - 23
Ch. 57, Sec. 2	Amended	Ch. 1 - 37
Ch. 69, Sec. 2	Amended	Ch. 1 - 34
Ch. 70, Sec. 2	Amended	Ch. 1 - 27
Ch. 70, Sec. 2	Referred to	Ch.229 - 621
Ch. 70, Sec. 2	Referred to	Ch. 15 - 56
Ch. 71, Sec. 1	Amended	Ch. 1 - 28
Ch. 71, Sec. 1	Referred to	Ch.229 - 621
Ch. 85, Sec. 1	Amended	Ch. 1 - 29
Ch. 85, Sec. 1	Referred to	Ch.275 - 699
Ch. 87, Sec. 1	Amended	Ch. 1 - 5
Ch. 89, Sec. 2	Amended	Ch. 1 - 30
Ch. 89, Sec. 2	Referred to	Ch.253 - 674
Ch. 89, Sec. 2	Referred to	Ch.280 - 705
Ch. 90, Sec. 2	Amended	Ch. 1 - 11
Ch. 92, Sec. 1	Amended	Ch. 1 - 21
Ch. 92, Sec. 2	Amended	Ch. 1 - 21
Ch. 93, Sec. 1	Amended	Ch. 1 - 20
Ch. 93, Sec. 1	Referred to	Ch.163 - 451
Ch. 94, Sec. 1	Amended	Ch. 1 - 27
Ch. 94, Sec. 1	Referred to	Ch.229 - 621
Ch. 95, Sec. 1	Amended	Ch. 1 - 28
Ch. 95, Sec. 1	Referred to	Ch.229 - 621
Ch. 97, Sec. 1	Amended	Ch. 1 - 19
Ch. 97, Sec. 1	Referred to	Ch.251 - 673
Ch. 99, Sec. 1	Amended	Ch. 1 - 3
Ch.100, Sec. 2	Amended	Ch. 1 - 35
Ch.100, Sec. 2	Referred to	Ch.190 - 487
Ch.100, Sec. 2	Referred to	Ch. 65 - 187
Ch.101, Sec. 1	Amended	Ch. 1 - 22
Ch.102, Sec. 1	Amended	Ch. 1 - 22
Ch.102, Sec. 1	Referred to	Ch.259 - 679
Ch.103, Sec. 1	Amended	Ch. 20 - 61
Ch.105, Sec. 1	Amended	Ch. 1 - 34
Ch.110, Sec. 2	Amended	Ch. 1 - 26
Ch.110, Sec. 2	Referred to	Ch.229 - 621
Ch.129, Sec. 1	Amended	Ch. 1 - 4
Ch.130, Sec. 2	Amended	Ch. 1 - 28

LAWS OF 1985 (Continued)

		Chapter - Page
Ch.130, Sec. 2	Referred to	Ch.229 - 621
Ch.161, Sec. 1	Amended	Ch. 1 - 7
Ch.162, Sec. 1	Amended	Ch. 1 - 4
Ch.162, Sec. 3	Amended	Ch. 1 - 4
Ch.163, Sec. 1	Amended	Ch. 1 - 21
Ch.163, Sec. 1	Referred to	Ch.273 - 697
Ch.164, Sec. 1	Amended	Ch. 1 - 38
Ch.164, Sec. 1	Referred to	Ch.228 - 617
Ch.164, Sec. 2	Amended	Ch. 1 - 38
Ch.164, Sec. 2	Referred to	Ch.228 - 617
Ch.164, Sec. 3	Amended	Ch. 1 - 39
Ch.164, Sec. 3	Referred to	Ch.228 - 617
Ch.196, Sec. 1	Amended	Ch. 1 - 36
Ch.197, Sec. 2	Amended	Ch. 1 - 37
Ch.201, Sec. 1	Amended	Ch. 1 - 9
Ch.202, Sec. 2	Amended	Ch.169 - 457
Ch.202, Sec. 2	Amended	Ch. 1 - 9
Ch.202, Sec. 3	Amended	Ch. 1 - 11
Ch.207, Sec. 2	Amended	Ch. 1 - 12
Ch.207, Sec. 2	Referred to	Ch. 37 - 120
Ch.207, Sec. 2	Referred to	Ch.253 - 674
Ch.208, Sec. 2	Amended	Ch. 1 - 17
Ch.211, Sec. 2	Amended	Ch. 1 - 7
Ch.212, Sec. 1	Amended	Ch. 1 - 3
Ch.212, Sec. 1	Referred to	Ch.255 - 676
Ch.214, Sec. 2	Amended	Ch. 1 - 19
Ch.214, Sec. 2	Referred to	Ch.158 - 447
Ch.246, Sec. 1	Amended	Ch. 1 - 21
Ch.246, Sec. 1	Referred to	Ch.227 - 616
Ch.253	Referred to	Ch.327 - 803
Ch.258, Sec. 2	Amended	Ch. 1 - 24
Ch.258, Sec. 2	Referred to	Ch.162 - 450
Ch.259, Sec. 2	Amended	Ch. 1 - 25
Ch.259, Sec. 2	Referred to	Ch.263 - 683
Ch.259, Sec. 2	Referred to	Ch. 10 - 52
Ch.260, Sec. 1	Amended	Ch. 1 - 24
Ch.260, Sec. 1	Referred to	Ch.256 - 677
Ch.261, Sec. 1	Amended	Ch. 1 - 3
Ch.261, Sec. 1	Referred to	Ch.253 - 675
Ch.262, Sec. 1	Amended	Ch. 1 - 29
Ch.262, Sec. 2	Amended	Ch. 1 - 29
Ch.263, Sec. 1	Amended	Ch. 1 - 5
Ch.264, Sec. 1	Amended	Ch. 1 - 35
Ch.264, Sec. 1	Amended	Ch. 26 - 78
Ch.265, Sec. 2	Referred to	Ch. 13 - 54
Ch.265, Sec. 2	Amended	Ch. 1 - 33
Ch.268, Sec. 2	Amended	Ch. 1 - 17
Ch.268, Sec. 2	Referred to	Ch.226 - 614
Ch.272, Sec. 1	Amended	Ch. 1 - 24
Ch.273, Sec. 1	Amended	Ch. 1 - 6

LAWS OF 1985 (Continued)

		Chapter - Page
HCR16	Referred to	Ch.220 - 583

LAWS OF 1986

Ch. 1, Sec. 39	Referred to	Ch.173 - 463
Ch. 1, Sec. 47	Amended	Ch. 26 - 78
Ch.334, Sec. 2	Amended (S1456)	Ch.335 - 821
H698	Amended (63-3640A)	Ch.224 - 611
H698	Referred to	Ch.225 - 613

RULES

Health and Welfare		
Title 1, Ch. 1		
01.1002,19.	Repealed	Ch.325 - 800
01.1002,39.	Repealed	Ch.325 - 800
01.1002,91.	Repealed	Ch.325 - 800
01.1002,100.	Repealed	Ch.325 - 800
01.1011	Amended	SCR126 - 878
01.1153,07.	Repealed	Ch.325 - 800
Title 1, Ch. 3		
01.3005,12.	Amended	HCR47 - 883
Title 1, Ch. 4		
01.4050,05.	Amended	SCR109 - 871
Title 2, Ch.23		
02.23050,06.	Amended	HCR52 - 884
02.23050,10.	Amended	HCR52 - 884
02.23050,12.	Amended	HCR52 - 885
02.23150,04.	Amended	HCR52 - 885
Idaho Rules of Civil Procedure		
Rule 53(e)	Referred to	Ch.230 - 627
Labor and Industrial Services		
102.h.		
Part 80, Ch.A	Amended	HCR45 - 881

FEDERAL LAWS AND PROGRAMS

Code of Federal Regulations		
Title 40	Referred to	Ch.231 - 632
Title 49	Referred to	Ch.231 - 632
Federal Aid Highway		
Act	Referred to	Ch.172 - 463
Federal Aid Interstate Resurfacing		
4R Program	Referred to	HJM16 - 896
Internal Revenue Code		
Ch.1, Subchapter N, Part III		
Subpart F	Referred to	Ch.342 - 849
Sec. 501(c)(3)	Referred to	Ch.119 - 313
Sec. 511	Referred to	Ch. 18 - 59
Sec. 931 thru		
Sec. 936	Referred to	Ch.342 - 848
Sec. 1501 thru		
Sec. 1505	Referred to	Ch.342 - 846,847

FEDERAL LAWS AND PROGRAMS (Continued)

		Chapter - Page
Milk Production Termination Program	Referred to	HJM17 - 897
P.L.93-516	Referred to	Ch.341 - 846
P.L.98-221	Referred to	Ch.341 - 846
P.L.99-198	Referred to	HCR63 - 888
P.L.874	Referred to	SJM106 - 892
Resource Conservation and Recovery Act	Referred to	Ch.148 - 417,418
Social Security Act		
Title IV-D	Referred to	Ch.221 - 589,590
Title IV-D	Referred to	Ch.222 - 596,608
23 U.S.C.402	Referred to	Ch.346 - 855
43 U.S.C.666	Referred to	Ch.220 - 561
43 U.S.C.666	Referred to	Ch.234 - 646
46 U.S.C.	Referred to	Ch.207 - 526
Williams Act	Referred to	Ch.149 - 426

MISCELLANEOUS

ANSI A119.7 Standard/Recreational Vehicles	Referred to	Ch. 30 - 88
Crime Victims Compensation Act	Enacted	Ch.337 - 825
Idaho Safe Boating Act	Enacted	Ch.207 - 516
Interstate Mutual Aid Compact	Enacted	Ch.107 - 295
Kern River Pipeline Project	Referred to	HJM15 - 895
Unified Sentencing Act	Enacted	Ch.232 - 639

NUMERICAL LIST OF SENATE BILLS

That became Law with a brief synopsis and the Chapter Number of the Bills

S1214	Sheep Commission, assessment rate	Ch. 3 - 41
S1215	Health Districts' rules	Ch. 17 - 58
S1216aaH	Health Dists, internal procedures	Ch. 63 - 180
S1218	Dental specialist, licensure	Ch. 35 - 108
S1220	Insurance Code, religious groups exempt	Ch.119 - 313
S1222	Co-ops, revolving fund financing	Ch. 4 - 41
S1223	Sales tax, Epilepsy/Lung Assn exempt	Ch.120 - 314
S1225	Attorney General, not submit docket/Gov	Ch. 6 - 44
S1232	Cystic fibrosis victims, services	Ch. 38 - 121
S1235	Child disposition hearing, report	Ch. 76 - 233
S1236aaH	Child protection, home placement	Ch.121 - 319
S1239	Convicted foreign citizens, transfer	Ch. 77 - 235
S1244	Education, courses, registration	Ch. 31 - 101
S1245	Tuition, waived, reciprocity with states	Ch. 32 - 103
S1247aaH	Pacific Fish Legislative Task Force	Ch. 50 - 144
S1248	Fish & Game permit, expiration, disabled	Ch. 5 - 43
S1251aa	Retirement, cost-of-living increases	Ch.122 - 322
S1252aa	Personnel, state, legis commission	Ch.123 - 324
S1260aa	Water dist/State political division	Ch. 78 - 236
S1261	Crime, presentence report	Ch.124 - 325
S1262	Crime, bail pending appeal	Ch.125 - 326
S1263	Crime, post conviction proceedings	Ch.126 - 326
S1265	Industrial Commission, salaries	Ch. 79 - 237
S1266aa	Environmental law violation, penalty	Ch. 60 - 169
S1267	Vehicle, allowable load per tire	Ch. 80 - 238
S1271aa,aaH	Firewood gatherers, liability	Ch.194 - 492
S1273	Workmen's comp, reinsurance amount	Ch.112 - 305
S1274aa	State employee/grievance/entrance time	Ch.127 - 327
S1275aa	CPA, unauthorized use of term	Ch.128 - 331
S1279aa	Property, Transportation Dept surplus	Ch.129 - 335
S1281	Lands, state, sale payment terms	Ch.130 - 336
S1282	Property, state surplus sale, notice	Ch.113 - 305
S1283aa	Lands, state, appraisal fee	Ch.114 - 306
S1284	Land, state, mineral rights	Ch.131 - 338
S1285	Land, state, salable minerals	Ch. 81 - 239
S1286	Mining permit termination, notice	Ch. 82 - 242
S1288aa,aaH	Steelhead/Salmon, permit/fee	Ch.294 - 739
S1289	Hunting license, nonresident, 2 day	Ch. 16 - 56

S1290aa	Income tax withholding refund/time	Ch.132 - 339
S1291	Water/Sewer/Recreation Dist election	Ch. 83 - 242
S1293	Personnel system, conform Fair Labor	Ch.133 - 341
S1295	State employee/grievance/appeals	Ch.134 - 355
S1298aaH,aaH	Public works bids, violations	Ch.293 - 738
S1301	Motor vehicle license plate reissue	Ch.292 - 736
S1303	Trailers, semitrailers, licenses	Ch.135 - 362
S1304aa	Farm machinery movement/highways	Ch.198 - 497
S1305	Approp, State Auditor, additional '86	Ch. 65 - 187
S1308	Appropriations, FY 86 reduced	Ch. 1 - 3
S1311aaH	Fish & Game, senior resident defined	Ch. 51 - 145
S1314aa	Horse races, simulated/televised	Ch. 69 - 194
S1315	Library district dissolution	Ch. 21 - 62
S1316aa	DUI, boat operators, penalties	Ch.291 - 733
S1321aaH	Property, unclaimed, disposal	Ch.136 - 365
S1322	Youth, hospitalization/under rehab	Ch. 84 - 243
S1327	Bonds, industrial development	Ch. 29 - 82
S1328aa	Agriculture in Idaho Program	Ch. 85 - 248
S1329	Drainage dist commissioners, mileage	Ch. 62 - 179
S1330	Inmates, medically indigent, funds	Ch.115 - 307
S1331	Sheriffs, county resident aid	Ch.290 - 732
S1333	Fire district formation	Ch.137 - 367
S1341aaH	Public offense, jurisdiction/venue	Ch.289 - 727
S1344	Municipality defined, water pollution	Ch. 66 - 187
S1348	Investment Board, asst investment mgr	Ch. 68 - 193
S1349	Investment Board, depository supervision	Ch.116 - 308
S1353	Tax anticipation notes, school dists	Ch. 33 - 104
S1354	School district subdistrict formed	Ch. 61 - 177
S1355	Health Districts' budgets	Ch. 64 - 185
S1356	Children, auditory impairment/report	Ch. 86 - 250
S1357	Shelter home, specialized defined	Ch.340 - 844
S1358aa	Water rights, Swan Falls agreement	Ch.117 - 308
S1359aa	MV restricted, wildlife habitat land	Ch.288 - 724
S1360	Fish & Game, lifetime certificate	Ch. 52 - 149
S1361aa	Hunting, nonresident falconry	Ch.138 - 373
S1362	Liquor law, premises defined	Ch. 36 - 118
S1364	Tuition, universities/colleges	Ch. 34 - 105
S1365aa	School dist trustees, recall	Ch.348 - 856
S1367	Mentally retarded care, reimbursement	Ch. 87 - 250
S1368	Crime, victims, compensation	Ch.337 - 824
S1369	Crime, evidence of child	Ch.195 - 493
S1370aa	Crime, evidence, sexually abuse child	Ch.196 - 493
S1372	Prosecuting atty/deputy, salary	Ch.139 - 375
S1374aa	Parking/handicapped space violation	Ch.238 - 649
S1377aa	Vehicles, load/size limit	Ch.287 - 719
S1379	Public works contractor, post security	Ch. 67 - 189
S1380	Landscape architects, registration	Ch. 53 - 156
S1386aa	Engineers/land surveyors, licensure	Ch.140 - 375
S1390	Income tax credit, "Anchor House"	Ch.141 - 398
S1395	Approp, supplmntl, Vocational Rehab	Ch. 10 - 52
S1399	Investments, public funds	Ch. 88 - 257
S1401aa	Flood Control Dist/dispose aggregate	Ch.142 - 399

S1404aa	Deer/elk tags, Outfitters set-aside	Ch.235 - 646
S1406	Retirement, employee contribution	Ch.143 - 399
S1407	Approp/add'l, H&W/medical assistance pymt	Ch. 15 - 56
S1408	Judges, investigations, discipline	Ch. 89 - 260
S1410	Credit union reports, assistance	Ch.237 - 648
S1411aaH	Child support/collection procedure	Ch.144 - 401
S1412	Liquor license, waterfront resorts	Ch.145 - 407
S1413	Retirement/actuarial funding period	Ch.146 - 408
S1414	Approp, Agriculture Dept, apple pest	Ch. 37 - 120
S1415	Approp, Treasurer/hold-back adjusted	Ch. 26 - 78
S1417	Port districts, purchasing bids	Ch.118 - 312
S1419aa	Drugs, forfeiture of property	Ch.286 - 709
S1420	Outfitters & Guides Bd appointments	Ch.236 - 647
S1422	Retirement system, funding agent	Ch.147 - 409
S1425	Hazardous waste, disposal, rules	Ch.148 - 415
S1426	Corporate takeovers	Ch.149 - 425
S1428	Crime, victims, compensation	Ch.197 - 494
S1431aa	Retirement, ins/vested rights	Ch.150 - 434
S1432	Building Authority, investments	Ch.151 - 436
S1435	Child support, financial resource info	Ch.152 - 438
S1439aa	Liquor, dram shop/host liability	Ch.285 - 708
S1441aa	Constitutional Bicentennial Comm	Ch.153 - 439
S1445	Approp, Agric Commodity Commission.	Ch.154 - 441
S1447	Approp, Public Utilities Commission	Ch.155 - 442
S1448	Approp, Retirement Syst, Insurance Fund, Liquor Dispensary	Ch.156 - 443
S1449	Appropriation, Secretary of State	Ch.157 - 444
S1451	Approp, Education Department	Ch.158 - 445
S1452	Approp, Transportation Dept.	Ch.159 - 447
S1453	Approp, Supreme Court	Ch.284 - 707
S1456	Approp, Permanent Building Council	Ch.334 - 819
S1457	Approp, Insurance Department	Ch.160 - 448
S1458	Approp, Governor's Emergency Fund	Ch.161 - 449
S1460	Approp, Historical Society	Ch.162 - 449
S1461	Approp, Deaf & Blind School	Ch.163 - 450
S1462	Approp, Dept of Commerce	Ch.283 - 706
S1464	Approp, Labor/Industrial Services	Ch.164 - 451
S1465	Documents/English used or translation	Ch.282 - 705
S1466	Approp, Industrial Commission	Ch.165 - 453
S1467	Approp, Idaho Centennial Commission	Ch.166 - 453
S1468	Approp, Administration Dept	Ch.167 - 454
S1469	Approp, Governor Elect Account	Ch.281 - 705
S1470	Approp, Water Resources Dept	Ch.168 - 455
S1471	Approp, supplemental, Tax Commission	Ch.169 - 457
S1472	Water rights adjudication/definitions	Ch.234 - 645
S1473	Approp, Dept of Lands	Ch.280 - 703
S1474	Approp, Commission for the Blind	Ch.170 - 457
S1475	Approp, Military Division	Ch.171 - 458
S1476	Approp, Attorney General	Ch.279 - 702
S1477	Approp, Tax Comm/Circuit Breaker Tax	Ch.278 - 702
S1478	Museum of Natural History established	Ch.239 - 651
S1479	Vehicles, gross load limits	Ch.172 - 458

S1480	Approp, Agriculture Dept	Ch.277 - 700
S1481	Approp, Public Health Dists	Ch.276 - 700
S1482	Approp, Parks & Recreation Dept	Ch.275 - 698
S1483	Approp, Endowment Fund Investment Bd	Ch.274 - 697
S1484	Approp/Colleges/Univers/Research Pgrms	Ch.273 - 696
S1486	Approp/add'l, Health & Welfare	Ch.173 - 463
S1487aaH	Salaries, elected officers	Ch.272 - 695
S1488	Approp, Secretary of State, filing system	Ch.339 - 844
S1489	Approp, Labor/Industrial Services	Ch.174 - 464
S1490	Security interest farm product/filing	Ch.338 - 834
S1491	Approp, Supreme Court	Ch.271 - 694
S1492	Approp, Permanent Bldg Council Public School Foundation Program	Ch.335 - 821

NUMERICAL LIST OF HOUSE BILLS

That became Law with a brief synopsis and the Chapter Number of the Bills

H357	Hunting, physically handicapped/permit	Ch. 75 - 231
H358aaS	Government bills, prompt payment	Ch.200 - 499
H359	Cigarette sale, permit	Ch.193 - 489
H360	Gasoline tax refunds, interest payment	Ch.175 - 464
H361	Income tax, state, part year person	Ch. 90 - 262
H362	Kilowatt hour tax reports, filing	Ch. 91 - 268
H364	Property tax, exemption date	Ch. 56 - 163
H365	Slot machine, antique, ownership	Ch. 8 - 48
H366	Unemployment benefit, education employee	Ch. 22 - 63
H367	Employers, deficit, rate class	Ch. 23 - 68
H369aaS	Water rights, marketing system	Ch.313 - 763
H370	Beer/wine tax penalties, conflict in law repealed	Ch.176 - 467
H371	Corporation tax, minimum, exemption	Ch. 18 - 59
H373	Felony, $5,000 fine/court imposed	Ch.312 - 763
H374	Probation, equal to sentence	Ch.311 - 762
H376	Sales tax, software defined	Ch.192 - 488
H377	Mine license tax, reports	Ch. 92 - 269
H379	Insurance license, suspension, when	Ch. 40 - 124
H380aa	Insurance, block cancellation/nonrenewal	Ch.310 - 761
H381	Insurance admin/registration refusal	Ch. 41 - 125
H384aa	Electrician license, fee	Ch.191 - 487
H385	Electrician/apprentice, registration	Ch.309 - 760
H386	Electrical inspector, qualifications	Ch.308 - 759
H387	Internal Revenue Code adopted	Ch. 11 - 53
H395	Unemployment benefit, overpayments	Ch. 24 - 71
H396	Unemployment compensation, tips defined	Ch. 25 - 77
H399aa	Tax refunds, payment, account	Ch. 73 - 201
H401	Insurance, certificate of authority	Ch. 42 - 126
H402aaS	Insurer, required surplus amount	Ch. 57 - 164
H403	Insurance policies, countersignature	Ch. 2 - 40
H405	Electrician lic, revival	Ch.307 - 758
H409	Fees, county recorder, instrument release	Ch. 14 - 55
H411	Solid waste collection, cities/counties	Ch. 19 - 59
H412	Animal Damage fees distribution	Ch.177 - 467
H414aa	MV, seat belt mandatory use	Ch.346 - 854
H415	Workmen's Comp benefits, levy	Ch. 93 - 270
H416	Mobile home now manufactured home	Ch. 30 - 84

H419	Plumbing Board, compensation	Ch.306 - 757
H420	Elect Board, compensation	Ch.305 - 756
H421	Bldg Code Advisory Bd/compensation	Ch.304 - 755
H434	Banks, capital stock repurchase	Ch. 58 - 167
H435	Bank/Trust Co, investments	Ch. 55 - 162
H436	Life/Health Ins Guar Assn, assessment	Ch. 43 - 127
H438	Arrests, use of deadly force	Ch.303 - 754
H442aa	Textbooks, schools, selection	Ch.302 - 752
H444	Urban renewal commissioners	Ch. 9 - 49
H445	TV translator district treasurer	Ch. 94 - 272
H450	Executive orders/effect 4 yrs	Ch.301 - 750
H451	DUI, mandatory alcohol treatment/when	Ch.201 - 501
H454	Sales tax, vending machines	Ch.300 - 748
H455	Sales tax/amusement devices	Ch.299 - 748
H459	Littering on highways, penalty	Ch.298 - 747
H460	Insurance statistics, reports	Ch. 54 - 159
H462aa,aaS	Game animals/harassment by dogs	Ch.297 - 745
H463	Game license, nonresident, fees	Ch. 7 - 46
H465	Fish & Game, resident defined	Ch. 49 - 141
H470	Hospital peer review committee	Ch. 95 - 273
H471	Physician discipline, reports	Ch.100 - 280
H473	Electrician license, fee	Ch.296 - 742
H474	MV, owner tort liability, amount	Ch. 96 - 274
H475aa	Credit unions, public deposit	Ch. 74 - 220
H478	Juror number, peremptory challenge	Ch.202 - 505
H480	Jury duty, dismissal of person	Ch.295 - 742
H489aa	Snowmobiles, all terrain vehicles	Ch.323 - 790
H492aa	Elections, electioneering at polls	Ch. 97 - 275
H494	Sentences, meritorious reduction	Ch.322 - 789
H495	Driver's license suspension/fine pymt	Ch.203 - 506
H496aa	Board of Examiners, meetings	Ch.321 - 788
H498aaS	Natural death act directive/form	Ch. 71 - 196
H499	Election, new type highway administration	Ch. 98 - 276
H500aaS	School bus, passing	Ch.320 - 787
H501	Highway Needs Assessment Council	Ch. 99 - 277
H503aaS	Law enforcement, city contract for	Ch.333 - 817
H504	Developmentally Disabled Council, members	Ch. 28 - 81
H512	Dairy products, regulation	Ch.101 - 281
H513	Peas, lentils, assessment	Ch. 27 - 79
H514	Cattle, vaccination tag, use	Ch.102 - 288
H520	Fees, District Court, typo corrected	Ch.103 - 290
H521	Gasohol, reduced tax continued	Ch.344 - 851
H524	Crime, unified sentence	Ch.232 - 638
H525	State Bar employee/exempt pers system	Ch.204 - 509
H527	School District Fund contingency reserve	Ch. 44 - 129
H528aa	Civil actions, allowed attorney fees	Ch.205 - 511
H532	Education Support Program, calculation	Ch. 45 - 130
H533	School Bd duties, code citation	Ch. 46 - 134
H534	School dist audit report, filing	Ch. 47 - 137
H535	Sentence maximum extended, when	Ch.319 - 784
H536	Commerce Dept records, confidential	Ch.104 - 291
H539aaS	Admin rules/interpretation	Ch.318 - 783

H540	Administrative rules, republication	Ch.105 - 292
H542	Motorbikes, off-highway/regulations	Ch.233 - 641
H543	MV license plates for POW	Ch.106 - 293
H544	Mutual Aid Compact, adopted	Ch.107 - 294
H550	Partnership, amended certificate	Ch.108 - 297
H551	Corporation, nonprofit, directors	Ch.178 - 468
H552	Fire dist commissioners, temporary appt	Ch.317 - 782
H555	Inheritance tax moneys/distribution	Ch.345 - 852
H556aa,aaS	Highways, abandonment/vacation	Ch.206 - 512
H558	Approp/supplemental, Water Resources	Ch. 13 - 54
H559	Approp/supplmntl, Public Works Contractors Pharmacy Board	Ch. 12 - 53
H560	Bank director, removal	Ch.316 - 780
H567	Boats (vessels), registration	Ch.207 - 515
H568	Motor fuel audit, interstate agreement	Ch.315 - 777
H569aa	Eating places, public, sanitation	Ch.314 - 776
H573	Soil Conservation Dist supervisors	Ch.179 - 469
H575aa	Fleeing pursuing police officer	Ch.208 - 531
H578	Controlled substances added/Schedules	Ch.209 - 534
H579	Hospital, county-owned, lease, etc.	Ch.240 - 652
H585	Approp/86, adjustment, Insurance Dept	Ch. 20 - 61
H586aaS	Law enforcement records/public access	Ch.210 - 543
H589	MV centennial license plates	Ch.211 - 545
H590aa	Income tax deduct/farm loan interest	Ch.336 - 824
H591	Wildlife, damage caused by	Ch.212 - 546
H594aa	Prop tax/residential property defined	Ch.213 - 547
H595aa	Notice/official, property/information	Ch.332 - 816
H597	Optometrists, fees, Board compensation	Ch.109 - 299
H598aa	Dentistry, peer review, liability	Ch.331 - 815
H602	Pupil, transportation paid	Ch. 48 - 140
H612	Vocational rehab/federal acts	Ch.341 - 845
H617	Sales tax, motor fuels RR rolling stock	Ch.180 - 472
H620	Tort claims, cty hospitals/nursing home	Ch.214 - 548
H624aa	Police officer, retirement items	Ch.215 - 549
H627	Product liability, defective firearm	Ch.216 - 553
H629	Water appropriation, partnerships	Ch.217 - 553
H630	Livestock, watering, permit	Ch.199 - 498
H631	Scaling Practices Board, law change	Ch.330 - 812
H632	Hunting, private property	Ch.329 - 809
H637	Judges, campaign contribution report	Ch.218 - 554
H640	Income tax credit/Public Broadcasting	Ch.219 - 557
H642	Water rights adjudication laws	Ch.220 - 558
H643	Seed dealers, licensure exempt	Ch.110 - 303
H644	Grasshopper control/warrants	Ch.181 - 478
H645aa	Child support order, enforcement	Ch.221 - 584
H646	Child support/mandatory withholding	Ch.222 - 593
H647	Highway laws, nomenclature change	Ch.328 - 803
H648aa	Highway district, coupon bond issue	Ch.327 - 802
H651	Driver's license/serviceman family	Ch.326 - 801
H652	AIDS test, semen donor	Ch.111 - 304
H653	AIDS, venereal disease	Ch. 70 - 195
H659	Agricultural field burning	Ch.325 - 797

H660	Hazardous waste, disposal	Ch.324 - 794
H661aa,aaS	Hazardous waste/transportation	Ch.231 - 627
H668	Pardons/Parole Commission, meetings	Ch. 59 - 167
H669	Tax, unitary, corporations, eased	Ch.342 - 846
H670aa	Forest Practices Act amendments	Ch.241 - 653
H671aaS	Water/beneficial use examination fee	Ch.242 - 657
H672	Log Scaling, penalties/enforcement	Ch.243 - 660
H673	Fishing license, nonresident 3 day	Ch.244 - 662
H676	Hazardous waste, spent potliners	Ch.182 - 479
H683	Income tax, resident defined	Ch.245 - 664
H684	Candidates, nominating petitions	Ch.183 - 480
H685aaS	Beef Council, compliance/fed promotion	Ch.246 - 665
H688	Securities/WC benefits/book-entry system	Ch.247 - 666
H691aa	Water rights adjudication laws	Ch.230 - 621
H692	Farm equipment, repurchase	Ch.248 - 668
H696	Rapeseed, rules/regulations	Ch.249 - 670
H698	Sales tax, 5%, 15 months, Approp, Permanent Bldg Acct	Ch. 39 - 121
H702	Appropriation, Self-governing Agencies	Ch. 72 - 199
H708	Liquor sales, hours/days, county option	Ch.223 - 609
H710	Approp, Finance Dept	Ch.184 - 481
H713	Approp, State Treasurer	Ch.347 - 855
H714	Approp/add'l, Office/Bd of Education	Ch.185 - 482
H715	Approp, Fish/Game Dept	Ch.186 - 482
H716	Approp, Lt Governor	Ch.187 - 483
H717	Approp, Office of Governor	Ch.188 - 484
H718	Approp, State Auditor	Ch.189 - 485
H719	Approp, add'l/1986, State Auditor	Ch.190 - 487
H721	Sales tax increase, exemption	Ch.224 - 610
H723	Sales tax, cash register conversion	Ch.225 - 612
H726	Approp, Correction Dept	Ch.250 - 671
H727	Approp, Education Bd Office	Ch.251 - 672
H728	Approp, junior college support	Ch.252 - 673
H729	Approp, Law Enforcement Dept.	Ch.226 - 613
H731	Approp, add'l, Lands, Agric, Governor's emergency fund	Ch.253 - 674
H732	Approp, Vocational Education	Ch.227 - 614
H733	Approp, Office on Aging	Ch.254 - 675
H734	Approp, Financial Management Div	Ch.255 - 676
H735	Approp, State Library Bd	Ch.256 - 676
H736	Approp, Human Rights Commission	Ch.257 - 677
H737	Approp, WAMI Medical Program	Ch.258 - 678
H738	Approp, Agric Research Program	Ch.259 - 678
H742	MV registration fee/county-wide hwy dist	Ch.260 - 679
H743	Approp, JFAC, Legislative Council	Ch.228 - 616
H746	Approp, WOI-veterinary program	Ch.261 - 680
H747	Approp, Special Health Educ Programs	Ch.262 - 681
H748	Approp, Education Bd/Vocational Rehab	Ch.263 - 682
H750	Purchasing/state/sole source procurement	Ch.264 - 683
H751	Approp, Tax Commission/Tax Appeals Bd	Ch.265 - 689
H753	Approp, Educ Public Broadcasting Syst	Ch.266 - 691
H754	Budget requests, limit	Ch.343 - 850

H756	Approp, Health & Welfare Dept	Ch.229 - 617
H759	Emergency medical service fee, Approp, H&W/Emergency Medic Service	Ch.267 - 692
H760	Approp, Transportation Dept	Ch.268 - 693
H761	Approp, Parks & Recreation	Ch.269 - 693
H764	Approp, Parks & Recreation	Ch.270 - 694

NUMERICAL LIST OF SENATE AND HOUSE JOINT RESOLUTIONS, CONCURRENT RESOLUTIONS, AND JOINT MEMORIALS

Senate and House Resolutions and Memorials

SJR102	Coroners, elected every 4 years	866
SJR107	Crime, pardons, provided by statute	867
HJR4	Legislative Districts, apportionment	869
SCR109	H&W rule/wastewater treatment/amended	871
SCR119	Ground water resources/management study	872
SCR120	County/city mandated programs, study	873
SCR121	Hunting, shotgun shells, lead	874
SCR124	County/city financing, study	875
SCR125	Junior colleges study	876
SCR126	Air pollution, H&W rule, PCBs	877
HCR37	Governor's address to Legislature	879
HCR43	Revenue projections, FY 87	879
HCR44	Revenue projections, FY 86	880
HCR45	Labor & Inds Services Rule 102 amended	881
HCR47	Sewage systems/permits/rules amended	883
HCR52	H&W rules, indoor smoking	884
HCR57	Wood burning stoves/legislative policy	886
HCR59	Hamer/Egin farm-to-market road dispute	887
HCR63	Food stamps/compliance w/ PL 99-198	888
SJM105	Superconducting super collider/INEL	890
SJM106	Land, in-lieu grants	891
SJM107	Dworshak dam water, reimbursement	893
SJM108	National cemetery in Idaho	894
HJM15	Kern River Pipeline Project	895
HJM16	Highway funds/Congress petitioned	896
HJM17	Milk Production Termination Program	897
HJM18	Freedom Fighters/Nicaragua support	897

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
Richard Stallings (D), Second District

Mailing Address: 304 N. 8th
Boise, ID 83702

STATE ELECTED OFFICIALS

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 — BONNER & BOUNDARY COUNTIES

Kermit V. Kiebert (D), Senate . . . . . 6th Term
Box 187, Hope 83836 264-5430
Contractor Wife — Diane
MINORITY LEADER
Resources/Environment, State Affairs

Tim Tucker (D), House Seat A . . . . . 2nd Term
K.V. Ranch, Porthill 83853
Home 267-2977 Bus. 267-5198
Farmer Wife — Ellen
ASSISTANT MINORITY LEADER
Agricultural Affairs, Appropriations (JFAC), Ways/Means

James F. Stoicheff (D), House Seat B . . . . . 7th Term
615 Lakeview, Sandpoint 83864
Home 263-2375 Bus. 263-3020
Teacher Wife — Jerry
MINORITY LEADER
Local Government, Resources/Conservation, State Affairs, Ways/Means

2 — KOOTENAI COUNTY

Mary Lou Reed (D), Senate Seat A . . . . . 1st Term
10 Giesa Road, Coeur d'Alene 83814
Home 664-3564 Bus. 664-2161
Husband — Scott
Commerce/Labor, Education, Judiciary/Rules

Terry Sverdsten (R), Senate Seat B . . . . . 3rd Term
Route 1, Box 54, Cataldo 83810
Home 682-2308 Bus. 682-2308
Logging Contractor Wife — Dee
CHAIRMAN-Education, Resources/Environment

Robert M. (Bob) Scates (R), House Seat A . . 3rd Term
334 Military Drive, Coeur d' Alene 83814
Retired Dentist—Tree Farmer Wife — Elisabeth
VICE CHAIRMAN-Health/Welfare, Education

D. Dean Haagenson (R) House Seat B . . . . . 2nd Term
P.O. Box 340, Coeur d'Alene 83814
Home 664-6873 Bus. 667-2456
General Contractor
Resources/Conservation, State Affairs, Transportation/Defense

Hilde Kellogg (R), House Seat C . . . . . 2nd Term
P.O. Box 1479, Post Falls 83854 773-5412
Merchant — Realtor
Business, Local Government, State Affairs

Robert W. Speck (R), House Seat D . . . . . 1st Term
3648 Highland Drive, Coeur d'Alene 83814 765-1225
Attorney (Retired) Wife — Betty M.
Judiciary, Rules/Administration, Local Government

3 — BENEWAH & SHOSHONE COUNTIES

Martha "Marti" Calabretta (D), Senate . . . . . 1st Term
Box 784, Osburn 83849
Home 752-6371 Bus. 556-1531
Social Worker Husband — Bennie
Agricultural Affairs, Commerce/Labor, Health/Welfare

Louis J. Horvath, Jr. (D), House Seat A . . . . . 5th Term
Box 888, Pinehurst 83850
Home 682-2587 Bus. 784-1371
Guidance Counselor, Kellogg HS Wife — Joyce
Business, Health/Welfare, Revenue/Taxation

Dorothy McCann (D), House Seat B . . . . . 5th Term
(Served 3 terms House/Senate, 1973-78)
HC 1, Box 260, Wallace 83873
Retired 682-3080
Commerce, Industry/Tourism, State Affairs, Transportation/Defense

4 — BENEWAH, BONNER, BOUNDARY, KOOTENAI & SHOSHONE COUNTIES

Vernon T. Lannen (D), Senate . . . . . 4th Term
Box 1036, Pinehurst 83850 682-2611
Logger Wife — Judie
Judiciary/Rules, Local Government/Taxation

Jeanne Givens (D), House Seat A . . . . . 1st Term
P.O. Box 969, Coeur d'Alene 83814 664-0707
Child Welfare Consultant Husband — Raymond C.
Business, Education, Health/Welfare

Steve Herndon (D), House Seat B . . . . . 1st Term
P.O. Box 216, Sandpoint 83864
Home 263-6077 Bus. 263-2108
Attorney Wife — Janice
Education, Environmental Affairs, Judiciary, Rules/Administration

5 — LATAH COUNTY

Norma Dobler (D), Senate . . . . . 7th Term
1401 Alpowa St., Moscow 83843 882-3318
Homemaker Husband — Clifford
Finance (JFAC), Judiciary/Rules

James R. "Doc" Lucas DVM (R), House Seat A . 3rd Term
4231 Highway 95 South, Moscow 83843 882-7374
Veterinarian (Retired) Wife — Vi
CHAIRMAN-Local Government, Revenue/Taxation

Tom Boyd (R), House Seat B . . . . . 5th Term
Route 1, Box 69, Genesee 83832 285-1578
Farmer Wife — Beverly
Agricultural Affairs, Appropriations (JFAC)

6 — NEZ PERCE COUNTY

Bruce L. Sweeney (D), Senate . . . . . 2nd Term
(Served 2 terms House, 1970-74)
Box 604, Lewiston 83501
Home 743-9148 Bus. 743-2534
Land Development/Construction Wife — Marilyn
ASSISTANT MINORITY LEADER
Education, State Affairs, Transportation

George F. Johnson (D), House Seat A . . . . . 3rd Term
3419 6th St., Lewiston 83501 743-6636
Retired — Government Wife — Leona
Commerce, Industry/Tourism, Education, Health/Welfare

Paul C. Keeton (D), House Seat B . . . . . 3rd Term
902 Cedar, Lewiston 83501
Home 743-7120 Bus. 743-2569
Lawyer
Judiciary, Rules/Administration, Local Government

7 — CLEARWATER, IDAHO & LEWIS COUNTIES

Marguerite McLaughlin (D), Senate . . . . . 2nd Term
(Served 2 terms House, 1979-82)
704 Floyd Ave., Orofino 83544 476-4136
Husband — G. Bruce
Commerce/Labor, Finance

Carl P. Braun (D), House Seat A . . . . . 6th Term
400 Braun Road, Orofino 83544 476-5655
Rural Carrier (Retired) — Farmer Wife — Gladys
State Affairs, Transportation/Defense

Harold W. Reid (D), House Seat B . . . . . 13th Term
Route 2, Box 34, Craigmont 83523 937-2514
Agriculture Wife — Louise
Agricultural Affairs, Revenue/Taxation

8 — CLEARWATER, IDAHO, LATAH, LEWIS & NEZ PERCE COUNTIES

Ron Beitelspacher (D), Senate . . . . . 4th Term
Box 405, Grangeville 83530 983-2535
Lineman — Outfitter
Local Government/Taxation, Resources/Environment, Transportation

Richard L. Adams (D), House Seat A . . . . . 3rd Term
Star Route, Box 28, Grangeville 83530
Home 983-0165 Bus. 926-4511
Teacher Wife — Karen
MINORITY CAUCUS CHAIRMAN
Appropriations (JFAC), Transportation/Defense, Ways/Means

Claud Judd (D), House Seat B . . . . . 3rd Term
(Served 2 terms Senate, 1975-78)
4265 Hwy 11, Orofino 83544 435-4380
Retired Wife — Elvita
Agricultural Affairs, Commerce, Industry/Tourism, Revenue/Taxation

9 — ADAMS, BOISE, GEM & VALLEY COUNTIES

David Little (R), Senate . . . . . 7th Term
P.O. Box 68, Emmett 83617 365-4821
Rancher Wife — Geraldine
CHAIRMAN-Finance, CO-CHAIRMAN-JFAC, Resources/Environment

Lydia Justice-Edwards (R), House Seat A . . . 2nd Term
(Served 6 mos. of Morgan Munger's term, 1982)
P.O. Box 35, Donnelly 83615 325-8757
Accountant/Businesswoman
VICE CHAIRMAN-Resources/Conservation, State Affairs, Transportation/Defense

Robert Fry (R), House Seat B . . . . . 2nd Term
P.O. Box 58, Horseshoe Bend 83629 793-2585
Rancher Wife — Gayle
Education, Judiciary, Rules/Administration, Local Government, State Affairs

10 — PAYETTE & WASHINGTON COUNTIES

Roger Fairchild (R), Senate . . . . . 3rd Term
Box 528, Fruitland 83619
Home 452-4749 Bus. 452-4701
President, Golden Valley Foods, Inc.
CHAIRMAN-Judiciary/Rules,
VICE CHAIRMAN-Commerce/Labor

Wayne Sutton (R), House Seat A . . . . . 2nd Term
Route 1, Box 42, Midvale 83645 355-2442
Rancher Wife — Gertrude
Agricultural Affairs, Resources/Conservation, State Affairs

Walter E. Little (R), House Seat B . . . . . 11th Term
Route 1, New Plymouth 83655 278-5504
Rancher Wife — Evelyn
CHAIRMAN-State Affairs
Resources/Conservation

11 — CANYON COUNTY

Skip Smyser (R), Senate Seat A . . . . . 2nd Term
(Served 1 Term in House, 1981-82)
Route 1, Box 1357, Parma 83660
Home 722-6658 Bus. 722-6721, 342-0777
Lawyer Wife — Melinda
CHAIRMAN-Agricultural Affairs,
VICE CHAIRMAN-Transportation, Judiciary/Rules

J. L. "Jerry" Thorne (R), Senate Seat B . . . . 1st Term
331 Winther Blvd., Nampa 83651
Home 467-2892 Bus. 466-3682
Printing Wife — Lois
Education, Local Government/Taxation
Transportation

Atwell J. "At" Parry (R), Senate Seat C . . . . . 3rd Term
Route 1, Box 2, Melba 83641 495-2226
Grocer/Meat Cutter - Retired Wife-Elaine
CHAIRMAN-Commerce/Labor, Finance (JFAC),
VICE CHAIRMAN-Local Government/Taxation

DISTRICT 11 — Continued

Robert E. Schaefer (R), House Seat A ..... 1st Term
P.O. Box 55, 1200 E. Karcher, Nampa 83653
Home 466-3636 Bus. 466-3636
Architect Wife — Betty
Commerce, Industry/Tourism,
Environmental Affairs

Dorothy L. Reynolds (R), House Seat B ..... 5th Term
(Served 3 Terms House, 1974-80)
1920 Howard, Caldwell 83605 459-2553
Manager — Family Trust
CHAIRMAN-Commerce, Industry/Tourism,
Education, Health/Welfare

Janet S. Hay (R), House Seat C ..... 1st Term
328 Winther Blvd., Nampa 83651
Home 466-7621 Bus. 467-2745
Homemaker/Civic Worker Husband — Robert E.
Health/Welfare, Judiciary, Rules/Administration,
State Affairs

Elizabeth "Liz" Allan (R), House Seat D .... 1st Term
Route 5, Box 270, Caldwell 83605
Home 454-8212 Bus. 454-1984
Associate Dir. — Center for the Study of
Market Alternatives Husband — Russell
Commerce, Industry/Tourism,
Education, Health/Welfare

Dolores J. Crow (R), House Seat E ..... 2nd Term
203 11th Ave. S. Extension, Nampa 83651
Home 467-1302
Homemaker Husband — Wayne
VICE CHAIRMAN—Commerce, Industry/Tourism,
Agricultural Affairs, Education

Ron Crane (R), House Seat F ..... 2nd Term
Route 3, Box 496, Caldwell 83605 459-4990
Businessman Wife — Cheryl
VICE CHAIRMAN—Business, State Affairs
Agricultural Affairs

12 — ELMORE & OWYHEE COUNTIES

Walter H. Yarbrough (R), Senate ..... 11th Term
Box 216, Route B, Grand View 83624 834-2727
Rancher — Contractor Wife — Lucy
CHAIRMAN-State Affairs,
VICE CHAIRMAN-Finance (JFAC)

Frances Field (R), House Seat A ..... 1st Term
HC-85, Box 221, Grand View 83624
Home 834-2488 Bus. 834-2253
Homemaker/School Dist. Bus. Mgr. Husband — Oscar
Agricultural Affairs, Education,
Judiciary, Rules/Administration

Glenna L. Hoagland (R), House Seat B ..... 1st Term
935 N. 8th East, Mountain Home 83647
Home 587-5714
Retired Husband — Charles L.
Education, Environmental Affairs

13 — ADAMS, BOISE, CANYON, ELMORE, GEM, OWYHEE, PAYETTE, VALLEY & WASHINGTON

Philip E. Batt (R), Senate ..... 6th Term
(Served 1 Term House, 1965-66)
(Lieutenant Governor, 1979-82)
P.O. Box 428, Wilder 83676
Home 337-3102 Bus. 482-7380
Farmer Wife — Jacque
MAJORITY CAUCUS CHAIRMAN
State Affairs, Transportation

Mike Strasser (R), House Seat A ..... 3rd Term
6727 Hemlock, Nampa 83651 466-9099
Self-employed Wife — Sharlene
CHAIRMAN-Business, State Affairs

Robert M. "Bob" Forrey (R), House Seat B . 2nd Term
802 Astor Ave., Nampa 83651 466-5500
Retired (Idaho Power Co.) Wife — Barbara
VICE CHAIRMAN—Transportation/Defense, Judiciary,
Rules/Administration, Revenue/Taxation

14 — ADA COUNTY

Herb Carlson (R), Senate ..... 2nd Term
1812 Hill Road, Eagle 83616 939-6979
Farmer — Rancher Wife — Lorrain
Agricultural Affairs, Finance (JFAC),
Resources/Environment

Gary L. Montgomery (R), House Seat A .... 3rd Term
737 N. 7th St., Boise 83702 Bus. 342-3563
Attorney Wife — Marilyn
VICE CHAIRMAN-Judiciary, Rules/Administration
Revenue/Taxation

Lyman Gene Winchester (R), House Seat B . 7th Term
Route 1, Kuna 83634 922-5750
Rancher — Pilot Wife — Lena
CHAIRMAN-Environmental Affairs, State Affairs,
Resources/Conservation

15 — ADA COUNTY

Rod Beck (R), Senate ..... 1st Term
4257 Tattenham Way, Boise 83704
Home 376-9797 Bus. 322-2700
Real Estate Broker Wife — Rhonda
Commerce/Labor, Education,
Local Government/Taxation

Don C. Loveland (R), House Seat A ..... 2nd Term
(Served 3 terms Senate, 1963-67)
4624 Berkshire Drive, Boise 83704 375-8893
Retired Wife — Dorothy
Judiciary, Rules/Administration,
Local Government, Revenue/Taxation

Phil Childers (R), House Seat B ..... 1st Term
3440 Quail Place, Boise 83704 375-8904
Sales/Marketing Wife — Margaret
Commerce, Industry/Tourism,
Environmental Affairs, Revenue/Taxation

16 — ADA COUNTY

Wm. F. (Bill) Ringert (R), Senate ..... 2nd Term
4170 Lenora Drive, Boise 83704
Home 375-6009 Bus. 342-4591
Lawyer Wife — Bing
Finance (JFAC), Resources/Environment

Emerson Smock (R), House Seat A ..... 1st Term
3917 Mountain View Dr., Boise 83704
Retired Wife — Patricia 375-0568
Business, Environmental Affairs, State Affairs

Christopher R. Hooper (R), House Seat B ... 4th Term
3616 Cabarton Lane, Boise 83704 375-6693
CHAIRMAN-Health/Welfare,
Business, Revenue/Taxation

17 — ADA COUNTY

Rachel S. Gilbert (R), Senate ..... 1st Term
(Served 2 Terms House, 1981-85)
1111 Marshall, Boise 83706
Home 343-3123 Bus. 376-6441
Real Estate Broker
Commerce/Labor, Local Government/Taxation

Ron Slater (R), House Seat A ..... 1st Term
3708 Camas, Boise 83705 342-3080
Wife — Diane
Business, Transportation/Defense

Ruby Stone (R), House Seat B ..... 1st Term
6604 Holiday Drive, Boise 83709 375-7975
Homemaker
Commerce, Industry/Tourism, Local Government

18 — ADA COUNTY

Gary Chapman (R), Senate ..... 2nd Term
3258 Catalina Lane, Boise 83705
Home 344-9928 Bus. 375-5171
Aerial Surveyor Wife — Bobette
Commerce/Labor, Resources/Environment

Dieter W. Bayer (R), House Seat A ..... 1st Term
8873 Ottawa Court, Boise 83709 323-0100
Homebuilder/Law Enforcement Wife — Regina
Education, Environmental Affairs,
Judiciary, Rules/Administration

Brent Brocksome (R), House Seat B ..... 1st Term
11277 Verde Lane, Boise 83709
Home 362-9093 Bus. 343-7013
Nursing Home Administrator/Owner Wife — Patricia
Business, Health/Welfare, State Affairs

19 — ADA COUNTY

Gail Etheridge Bray (D), Senate ..... 2nd Term
P.O. Box 1825, Boise 83701
Home 344-1390 Bus. 343-0273
Husband — Chris
Education, Judiciary/Rules,
Local Government/Taxation

Kathleen (Kitty) Gurnsey (R), House Seat A . 6th Term
1111 W. Highland View Dr., Boise 83702 343-1780
Husband — Vern L.
CHAIRMAN-Appropriations, CO-CHAIRMAN-JFAC,
Environmental Affairs

Larry W. Harris (R), House Seat B ..... 5th Term
1925 Montclair Drive, Boise 83702 344-6242
Retired Wife — Jane B.
CHAIRMAN-Judiciary, Rules/Administration
State Affairs

20 — ADA COUNTY

Bernie R. Rakozy (R), Senate ..... 1st Term
3219 Camrose Lane, Boise 83706
Home 342-4918 Bus. 343-4474
Consultant/Trustee Wife — Pat J.
Judiciary/Rules, Local Government/Taxation

Pamela I. Bengson (R), House Seat A ..... 3rd Term
2704 Raindrop Drive, Boise 83706
Home 345-6168 Bus. 344-6581
Self-employed, Equipment Rental Husband — Bradley
VICE CHAIRMAN—State Affairs, Health/Welfare,
Judiciary, Rules/Administration,

Jack C. Kennevick (R), House Seat B ..... 8th Term
1 Mesa Drive, Boise 83705 343-2136
Insurance Wife — Mary Anne
MAJORITY LEADER
Ways/Means, Business, State Affairs

21 — ADA COUNTY

James E. Risch (R), Senate ..... 6th Term
5400 S. Cole Road, Boise 83709
Home 362-2626 Bus. 345-9974
Attorney — Farmer/Rancher Wife — Vicki
PRESIDENT PRO TEMPORE
VICE CHAIRMAN-Judiciary/Rules, State Affairs

Boyd Hill (R), House Seat A ..... 1st Term
1035 E. McMillan Road, Meridian 83642
Home 888-5515 Bus. 344-5561
Owner, Western Wholesale Wife — Mardi
Business, Environmental Affairs,
Revenue/Taxation

Dean E. Sorensen (R), House Seat B ..... 1st Term
333 N. 1st St., Suite 120, Boise 83702
Home 345-8688 Bus. 342-4671
Surgeon Wife — Sheila
Judiciary, Rules/Administration, Local Government

22 — BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

John T. Peavey (D), Senate . . . . . 6th Term
P.O. Box 88, Carey 83320
Home 788-2850/summer 726-7568/winter
Rancher Wife — Diane Josephy
MINORITY CAUCUS CHAIRMAN
Health/Welfare, Resources/Environment,
State Affairs

Gary Robbins (R), House Seat A . . . . . 1st Term
Route 2, Box 2265, Dietrich 83324 544-2771
CPA/Dairyman Wife — Jeri Ann
Agricultural Affairs,
Commerce, Industry/Tourism, Revenue/Taxation

Mack Wm. Neibaur (R), House Seat B . . . . . 5th Term
Route I, Box 1478, Paul 83347
Home 532-4175 Bus. 532-4240 Wife — Edna
VICE CHAIRMAN-Appropriations (JFAC),
Transportation/Defense

23 — TWIN FALLS COUNTY

Laird Noh (R), Senate Seat A . . . . . 3rd Term
Route 1, Box 65, Kimberly 83341 733-3617
Sheep Producer Wife — Kathleen
CHAIRMAN-Resources/Environment
VICE CHAIRMAN-Education, Agricultural Affairs

Darrel S. McRoberts (R), Senate Seat B . . . . . 1st Term
342 Monroe Place, Twin Falls 83301
Home 734-3329 Bus. 543-4322
Plant Manager, Food Processing Wife — Joyce
Commerce/Labor, Health/Welfare, Judiciary/Rules

Donna Scott (R), House Seat A . . . . . 2nd Term
486 Madrona St., Twin Falls 83301 733-2535
Housewife Husband — Jack
Appropriations (JFAC), Business, Health/Welfare

T. W. Stivers (R), House Seat B . . . . . 6th Term
144 N. Juniper, Twin Falls 83301
Home 733-7127 Bus. 733-3821
Title Insurance Wife — Winifred
SPEAKER OF THE HOUSE

Noy E. Brackett (R), House Seat C . . . . . 6th Term
Box 403, Twin Falls 83301 733-4823
Rancher
CHAIRMAN-Ways/Means,
Revenue/Taxation, Resources/Conservation,
Transportation/Defense

Douglas R. Jones (R), House Seat D . . . . . 1st Term
Route 2, Filer 83328 Home 326-4181 Bus. 733-8458
Farmer Wife - Mary Liz
Agricultural Affairs, Business

24 — CASSIA, JEROME & MINIDOKA COUNTIES

Denton Darrington (R), Senate Seat A . . . . . 2nd Term
Route 1, Declo 83323
Home 654-2712 Bus. 678-9408
Farmer — Teacher Wife — Virgene
CHAIRMAN-Health/Welfare, Judiciary/Rules

Lynn S. Tominaga (R), Senate Seat B . . . . . 1st Term
Route 5, Box 184, Rupert 83350 532-4352
Farmer Wife — Brenda
Agricultural Affairs, Education,
Local Government/Taxation

Ernest A. Hale (R), House Seat A . . . . . 8th Term
725 E. 16th Burley 83318 678-7394
Quarry Operator Wife — Elizabeth
CHAIRMAN-Education,
Transportation/Defense

J. Vard Chatburn (R), House Seat B . . . . . 15th Term
Box 97, Albion 83311 673-6661
Rancher Wife — Eva
CHAIRMAN-Resources/Conservation,
Environmental Affairs, State Affairs

Steve Antone (R), House Seat C . . . . . 9th Term
1141 Link St., Rupert 83350 436-3927
Farmer Wife — Diane
CHAIRMAN-Revenue/Taxation,
Business

Waldo Martens (R), House Seat D . . . . . 1st Term
Route 3, Box 3498, Jerome 83338 324-4127
Farmer Wife — Ruth
Commerce, Industry/Tourism,
Transportation/Defense

25 — BLAINE, CAMAS, CASSIA, GOODING, JEROME, LINCOLN, MINIDOKA & TWIN FALLS COUNTIES

Larrey Anderson (R), Senate . . . . . 1st Term
2639 Eastgate Drive, Twin Falls 83301
Home 734-2248 Bus. 733-6756
Campground Operator/Writer Wife — Ellen M.
Health/Welfare, Local Government/Taxation,
Transportation

Jerry Callen (R), House Seat A . . . . . 1st Term
Route 2, Box 2722, Jerome 83338 324-1215
Farmer/Cattle Feeder Wife — Patricia
Agricultural Affairs,
Commerce, Industry/Tourism, Education

Jeff Stoker (R), House Seat B . . . . . 1st Term
P.O. Box 1597, Twin Falls 83303
Home 734-8522 Bus. 734-8452
Attorney Wife — Rosemary
Health/Welfare, Judiciary, Rules/Administration

26 — BINGHAM COUNTY

Jerry T. Twiggs (R), Senate ..... 1st Term
955 West 100 South, Blackfoot 83221 684-4090
Farmer Wife — Sandra
Agricultural Affairs, Education, Transportation

Raymond G. Parks (R), House Seat A ..... 4th Term
1054 West Tabor Road, Blackfoot 83221 684-4816
Farmer Wife — Paula
Appropriations (JFAC), Transportation/Defense

Michael K. Simpson (R), House Seat B ..... 1st Term
786 Hoff Drive, Blackfoot 83221
Home 785-5043 Bus. 785-0310
Dentist Wife — Kathy
Commerce, Industry/Tourism, Education,
Local Government

27 — BANNOCK & POWER COUNTIES

Bert W. Marley (D), Senate .....4th Term
P.O. Box 35, McCammon 83250
Home 254-3291 Bus. 236-2575
Teacher — Farmer Wife — Betty Jane
Agricultural Affairs, Finance (JFAC)

Ralph E. Lacy (D), Senate Seat B ..... 3rd Term
(Served 3 years House, 1981-83)
126 S. 15th, Pocatello 83201 232-4951
Retired Wife — Mary
Commerce/Labor, Health/Welfare,
Local Government/Taxation

C. E. "Chick" Bilyeu (D), Senate Seat C .... 8th Term
11076 N. Philbin Road, Pocatello 83202 237-3158
Educator — Retired Wife — Diane
Finance (JFAC), Transportation

Patricia L. McDermott (D), House Seat A ... 9th Term
P.O. Box 3, Pocatello 83204
Home 232-6978 Bus. 232-3162
Attorney
Judiciary, Rules/Administration, State Affairs

Larry EchoHawk (D), House Seat B ..... 2nd Term
1777 Lancaster, Pocatello 83201
Home 237-4887 Bus. 238-3818
Attorney Wife — Terry
Appropriations (JFAC), Resources/Conservation

Albert M. (Al) Johnson (D), House Seat C .. 2nd Term
12350 N. Philbin Road, Pocatello 83202 237-2828
Farmer — Rancher Wife — Betty
Environmental Affairs, Resources/Conservation,
Revenue/Taxation

Pete Black (D), House Seat D .....2nd Term
530 Cochise, Pocatello 83204
Home 232-5553 Bus. 237-2271
Educator Wife — Ronda
Business, Education, Environmental Affairs

Vivian Crozier (D), House Seat E ..... 1st Term
375 Riverside, Pocatello 83204 232-9221
Homemaker Husband — Wayne W.
Local Government, Resources/Conservation

L. Ed Brown (R), House Seat F ..... 1st Term
288 Thurston, Pocatello 83201
Home 232-6633 Bus. 232-8024
Associate Dir. — L.D.S. Institute Wife — Carol
Commerce, Industry/Tourism, Local Government

28 — BEAR LAKE, CARIBOU, FRANKLIN & ONEIDA COUNTIES

Reed W. Budge (R), Senate ..... 10th Term
231 S. 1st E., Soda Springs 83276 547-3096
Rancher Wife — Gwen
CHAIRMAN-Transportation,
VICE CHAIRMAN-Resources/Environment,
VICE CHAIRMAN-State Affairs

Robert C. Geddes (R), House Seat A ..... 5th Term
Route 3, Box 107, Preston 83263 852-1376
Farmer Wife — Carma
ASSISTANT MAJORITY LEADER
Agricultural Affairs, Appropriations (JFAC),
Ways/Means

Eugene B. Stucki (R), House Seat B ..... 4th Term
31 West 2nd South, Paris 83261 945-2245
Retired Dairy Farmer Wife — Leonora
CHAIRMAN-Agricultural Affairs
Resources/Conservation, Revenue/Taxation

29 — BANNOCK, BINGHAM, BEAR LAKE, CARIBOU, FRANKLIN, ONEIDA & POWER COUNTIES

Dwight W. Horsch (D), Senate ..... 1st Term
(Served 3 terms House, 1978-1984)
Route 1, Aberdeen 83210
Home 397-4925 Bus. 397-4913
Farmer Wife — Kathy M.
Agricultural Affairs, Resources/Environment

Myron Jones (R), House Seat A ..... 4th Term
311 N. 300 W., Malad 83252 766-4935
Farmer/Rancher Wife — Nola
VICE CHAIRMAN-Revenue Taxation,
Agricultural Affairs, Resources/Conservation,

Mark Duffin (R), House Seat B ..... 1st Term
P.O. Box 126, American Falls 83211
Home 226-5427 Bus. 548-2469
Farmer
Resources/Conservation, Transportation/Defense

30 — BUTTE, CLARK, CUSTER, JEFFERSON & LEMHI COUNTIES

Vearl C. Crystal (R), Senate ..... 5th Term
P.O. Box 78, Lewisville 83431 754-4705 (Rigby)
Rancher — Rodeo Producer Wife — Brenda
ASSISTANT MAJORITY LEADER
VICE CHAIRMAN-Agricultural Affairs,
Finance (JFAC), State Affairs

Ray E. Infanger (R), House Seat A ..... 7th Term
Route 1, Box 174, Salmon 83467 756-3649
Heating/Sheet Metal Shop Wife — Vera
VICE CHAIRMAN-Agricultural Affairs,
Appropriations (JFAC)

JoAn E. Wood (R), House Seat B .....2nd Term
Route 1, Box 21, Rigby 83442 745-7846
Partner - Ranch/farm corporation Husband—Thomas D.
VICE CHAIRMAN-Education, Health/Welfare,
Resources/Conservation

31 — FREMONT & MADISON COUNTIES

Mark G. Ricks (R), Senate . . . . . 4th Term
Route 4, Box 173, Rexburg 83440 356-6676
Farmer Wife — Evelyn T.
MAJORITY LEADER
Finance (JFAC), State Affairs

R. L. "Dick" Davis (R), House Seat A . . . . . 1st Term
P.O. Box 391, Rexburg 83440
Home 356-9146 Bus. 356-3233
Contractor — Retired Wife — Phyllis
Education, Transportation/Defense

Cyril O. Burt (R), House Seat B . . . . . 1st Term
Route 2, Box 164-A, St. Anthony 83445 624-7846
Retired Farm Equipment Dealer Wife — Maxine
VICE CHAIRMAN-Environmental Affairs,
Business, Education

32 — BONNEVILLE & TETON COUNTIES

Michael D. Crapo (R), Senate Seat A . . . . . 1st Term
P.O. Box 129, Idaho Falls 83402
Home 524-4631 Bus. 523-0620
Attorney Wife — Susan
Health/Welfare, Resources/Environment

E. Lee Staker (R), Senate Seat B . . . . . 1st Term
2553 Everon, Idaho Falls 83401
Home 529-5256 Bus. 523-7950
Florist, self-employed Wife — Jean
Commerce/Labor, Health/Welfare, Judiciary/Rules

Ann Rydalch (R), Senate Seat C . . . . . 2nd Term
3824 E. 17th St., Idaho Falls 83401
Home 522-6741 Bus. 526 1589
Subcontract Administrator Husband — Vernal
VICE CHAIRMAN-Health/Welfare,
Commerce/Labor, Judiciary/Rules

John O. Sessions (R), House Seat A . . . . . 10th Term
Box 10, 414 N. Main, Driggs 83422
Home 354-2508 Bus. 354-2373
Retailer Wife — Alice
CHAIRMAN-Transportation/Defense, Education
Commerce, Industry/Tourism

Marilyn Stanger (R), House Seat B . . . . . 1st Term
Route 1, Box 474, 2927 East Iona Road
Idaho Falls 83401 522-6367 Retired
Local Government, Resources/Conservation

Linden B. Bateman (R), House Seat C . . . . . 5th Term
Route 1, Box 442, Idaho Falls 83401
Home 524-0927 Bus. 523-1823
High School Teacher Wife — Deann
MAJORITY CAUCUS CHAIRMAN
VICE CHAIRMAN-Local Government,
Resources/Conservation, State Affairs,
Ways/Means

J. F. "Chad" Chadband (R), House Seat D . . 2nd Term
460 E. Anderson, Idaho Falls 83401
Home 523-9342 Bus. 524-0550
Home Furnishings — Rental Wife — Karen
Appropriations (JFAC), Environmental Affairs

Preston B. Brimhall (R), House Seat E . . . . . 2nd Term
465 9th St., Idaho Falls 83401 522-4347
Retired Wife — Betty
Appropriations (JFAC), Local Government

M. Reed Hansen (R), House Seat F . . . . . 1st Term
Route 5, Box 213, Idaho Falls 83401 522-5359
Farmer Wife — Marilyn
Health/Welfare, Resources/Conservation

33 — BONNEVILLE, BUTTE, CLARK, CUSTER, FREMONT, JEFFERSON, LEMHI, MADISON & TETON COUNTIES

Dane Watkins (R), Senate . . . . . 8th Term
2242 So. Boulevard, Idaho Falls 83402
Home 522-4855 Bus. 523-0800
Farming — Investments Wife — Sherry
CHAIRMAN-Local Government/Taxation, Finance (JFAC)

Stan Hawkins (R), House Seat A . . . . . 1st Term
Box 367, Ucon 83454 Home 524-1586
Agri-Business Wife — Linn Bus. 523-2880
Environmental Affairs, Resources/Conservation
Revenue/Taxation

Golden C. Linford (R), House Seat B . . . . . 1st Term
Route 3, Box 433-8, Rexburg 83440
Home 356-7220 Bus. 356-7346
Potato Grower — Shipper Wife — Deanna
Health/Welfare, Resources/Conservation,
Revenue/Taxation