GENERAL LAWS

OF THE

STATE OF IDAHO

PASSED BY
THE FIRST REGULAR SESSION OF THE
FORTY-NINTH IDAHO LEGISLATURE

Convened January 12, 1987
House Adjourned March 31, 1987
Senate Adjourned April 1, 1987

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. 1013)

AN ACT

RELATING TO CREATION OF A COMMEMORATIVE DAY; AMENDING CHAPTER 1, TITLE 73, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 73-108A, IDAHO CODE, TO ESTABLISH THE MARTIN LUTHER KING, JR. COMMEMORATIVE DAY AND TO PROVIDE FOR APPROPRIATE CEREMONIES.

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 73-108A, Idaho Code, and to read as follows:

73-108A. MARTIN LUTHER KING, JR. COMMEMORATIVE DAY. The third Monday of January shall be designated as Martin Luther King, Jr. commemorative day. The Idaho commission on human rights shall conduct appropriate ceremonies in recognition of the accomplishments of Martin Luther King, Jr. in conjunction with the commemorative day.

Approved February 12, 1987.

CHAPTER 2
(S.B. No. 1008)

AN ACT

RELATING TO ELECTION POLL HOURS; AMENDING SECTION 50-453, IDAHO CODE, TO PROVIDE FOR LONGER POLL HOURS.

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

SECTION 1. That Section 50-453, Idaho Code, be, and the same is hereby amended to read as follows:

50-453. OPENING AND CLOSING POLLS. (1) At all general and special city elections the polls shall be opened at 12 noon and remain open until all registered electors of that precinct have voted or until 8 p.m. of the same day, whichever comes first. Provided, however, that a city council may by ordinance require that the polls in the city shall open at 8 a.m.

(2) Upon opening the polls the precinct judge will make the proclamation of the same and thirty (30) minutes before closing the polls a proclamation shall be made in the same manner. Any elector who is in line at 8 p.m. shall be allowed to vote notwithstanding the pronouncement that the polls are closed.

Approved February 14, 1987.

CHAPTER 3
(S.B. No. 1036)

AN ACT

APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL ACCOUNT TO THE GENERAL ACCOUNT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 280, LAWS OF 1986; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Water Pollution Control Account to the General Account the sum of $2,700,000. The provisions of this appropriation specifically supersede the provisions of Section 39-3606, Idaho Code.

SECTION 2. In addition to the appropriation made by Section 2, Chapter 280, Laws of 1986, there is hereby appropriated to the Department of Lands the following amount to be expended for the named program for the period July 1, 1986, through June 30, 1987:

FOR:

Forest and Range Fire Protection

FROM:

General Account	$2,700,000
Timber Fire Protection Account	15,000
TOTAL	$2,715,000

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 14, 1987.

CHAPTER 4
(H.B. No. 18)

AN ACT

RELATING TO ACCEPTANCE OF FEDERAL ACTS; AMENDING SECTION 33-2301, IDAHO CODE, TO INCLUDE REHABILITATION ACT AMENDMENTS OF 1986 IN THOSE ACTS ACCEPTED BY THE STATE OF IDAHO.

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

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

33-2301. ACCEPTANCE OF FEDERAL ACTS. The state of Idaho hereby

renews its acceptance of the provisions and benefits of the act of Congress, entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment," approved June 2, 1920, as amended by P.L. 113, 78th Congress, by P.L. 565, 83rd Congress, by P.L. 89-333, 89th Congress, by P.L. 90-99, 90th Congress, and by P.L. 90-391, 90th Congress, and further accepts the acts of Congress, entitled "The Rehabilitation Act of 1973," P.L. 93-112, 93rd Congress, and "The Rehabilitation Act Amendments of 1974," P.L. 93-516, 93rd Congress, and "The Rehabilitation Act Amendments of 1978," P.L. 95-602, 95th Congress, and "The Rehabilitation Act Amendments of 1984," P.L. 98-221, 98th Congress, "The Rehabilitation Act Amendments of 1986," P.L. 99-506, 99th Congress, and will observe and comply with all requirements of such acts.

Approved February 17, 1987.

CHAPTER 5
(H.B. No. 83)

AN ACT

APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL ACCOUNT TO THE GENERAL ACCOUNT; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 229, 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. There is hereby appropriated from the Water Pollution Control Account $4,311,900 to the General Account. The provisions of this appropriation specifically supersede the provisions of section 39-3606, Idaho Code.

SECTION 2. In addition to the appropriation made by Section 2, Chapter 229, Laws of 1986, there is hereby appropriated to the Department of Health and Welfare the following amount to be expended for the named program from the listed accounts for the period July 1, 1986, through June 30, 1987:

FOR:
MEDICAL ASSISTANCE PAYMENTS:
FROM:

General Account	$ 4,311,900
Cooperative Welfare Account	10,568,800
TOTAL	$ 14,880,700

SECTION 3. The State Auditor shall make transfers of the General Account moneys appropriated in this act to the Cooperative Welfare

Account, as requested by the Director of the Department of Health and Welfare and approved by the Board of Examiners, not to exceed the amount provided herein.

SECTION 4. An emergency existing therefor, 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 17, 1987.

CHAPTER 6
(H.B. No. 7)

AN ACT

RELATING TO THE CREATION OF A UNITED STATES OLYMPIC ACCOUNT; AMENDING SECTION 63-3067, IDAHO CODE, TO PROVIDE A PROPER CODE CITATION; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3067E, IDAHO CODE, TO PROVIDE THAT INDIVIDUALS MAY DESIGNATE A PORTION OF THEIR INCOME TAX REFUND OR IN THE CASE OF TAX LIABILITY DONATE AN AMOUNT IN EXCESS OF THE LIABILITY TO BE PLACED IN THE UNITED STATES OLYMPIC ACCOUNT IN THE DEDICATED FUND, AND TO PROVIDE PROCEDURES FOR ADMINISTERING THE OLYMPIC ACCOUNT.

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

SECTION 1. That Section 63-3067, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067. REVENUE RECEIVED -- STATE REFUND ACCOUNT. All moneys, except as hereinafter provided, received by the state of Idaho under this act shall be deposited by the state tax commission, as received by it, with the state treasurer and shall be placed in and become a part of the general account under the custody of the state treasurer. Providing however, that an amount equal to twenty per cent (20%) of the amount deposited with the state treasurer shall be placed in the "state refund account" which is hereby created for the purpose of repaying overpayments, for the purpose of depositing in the fish and game trust account, such amounts as may be designated by individuals receiving refunds for such overpayment, for the purpose of depositing in the United States olympic account created by section 63-3067~~B~~E, 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. 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 appropriated out of the state refund account so much thereof as may be necessary for the payment of the refunds herein provided. Claims for, and payment of refunds under the provisions of this section shall be made in the same manner as other claims against the state of Idaho.

Any unencumbered balance remaining in the state refund account on June 30 of each and every year in excess of the sum of four hundred thousand dollars ($400,000) shall be transferred to the general account and the state auditor is hereby authorized and directed on such dates to make such transfers unless the board of examiners, which is hereby authorized to do so, changes the date of transfer or sum to be transferred.

SECTION 2. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3067E, Idaho Code, and to read as follows:

63-3067E. DESIGNATION BY INDIVIDUALS -- UNITED STATES OLYMPIC ACCOUNT. (a) Beginning with tax year 1987, 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 in section 63-3067, Idaho Code, the state tax commission shall retain sufficient funds for the commission's 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.

Approved February 17, 1987.

CHAPTER 7
(H.B. No. 9)

AN ACT

RELATING TO FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS; AMENDING SECTION 37-334a, IDAHO CODE, TO PROVIDE DEFINITIONS, REPEALING SECTION 37-334b, IDAHO CODE; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-334b, IDAHO CODE, TO PROVIDE FOR LABEL REQUIREMENTS FOR FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS; AMENDING SECTION 37-334c, IDAHO CODE, TO PROVIDE FOR A LIST OF INGREDIENTS IN FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-334d, IDAHO CODE, TO PROVIDE FOR QUALITY STANDARDS FOR FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-334e, IDAHO CODE, TO PROVIDE FOR LICENSE REQUIREMENTS FOR MANUFACTURERS OF FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS; AMENDING CHAPTER 3, TITLE 37, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 37-334f, IDAHO CODE, TO PROVIDE FOR REGISTRATION REQUIREMENTS FOR FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS; AMENDING SECTION 37-335, IDAHO CODE, TO PROVIDE CODE REFERENCES; AMENDING SECTION 37-338, IDAHO CODE, TO PROVIDE RULEMAKING AUTHORITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-334a, Idaho Code, be, and the same is hereby amended to read as follows:

37-334a. FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS -- DEFINITIONS. As used in sections 37-334, 37-334a, 37-334b ~~and~~, 37-334c, 37-334d, 37-334e and 37-334f, Idaho Code:

(1) "Dairy product" includes:

(a) Milk, skim milk, milk fat, cream, sour cream, lowfat milk and nonfat milk used in fluid, concentrated or dry form.

(b) Cheese. All varieties including asiago, blue, brick, caciocavallo, cheddar, colby, cook cheese, cottage, cream, washed curd, edam, gammelost, gorgonzola, gouda, granular and grated, gruyere, hard, limburger, monterey, monterey jack, mozzarella, scamorze, meunster, neufchatel, nuworld, parmesan, reggiano,

pasteurized, blended and processed cheeses, pasteurized cheese spreads, provolone, pasta filata, romano, roquefort, samsoe, sapsago, semi-soft and skim milk, spiced, swiss and emmentaler as described in 21 CFR, part 133.

(c) Butter as defined in section 37-332, Idaho Code.

(d) Ice cream, frozen custard, ice milk, sherbet as defined in 21 CFR, part 135, frozen yogurt dessert mix, frozen yogurt dessert, frozen lowfat and nonfat yogurt dessert, dietetic or dietary frozen dessert, lowfat or nonfat frozen dairy dessert, and milk shake base as defined in state department of agriculture dairy regulations.

(e) Any manufactured food which:

1. Uses milk or a milk ingredient as the principal or characterizing constituent of the food product;

2. Does not contain ingredients added for the purpose of replacing milk or milk ingredients;

3. Does not contain milk-derived ingredients at levels in excess of those permitted in similar standardized dairy products;

4. Does not contain any vegetable-derived ingredients unless the ingredients are used as carriers or function as stabilizers or emulsifiers; and

5. Has no standard of identity recognized by any federal or state of Idaho law or regulation as a dairy product.

(2) "Milk ingredient" includes milk, skim milk, milk fat, cream, sour cream, lowfat milk and nonfat milk used in fluid, concentrated or dry form.

(3) "Milk derived ingredient" includes buttermilk, whey, modified whey products, casein, ~~caseinates,~~ lactose, lactalbumins and lactoglobulins used in fluid, concentrated or dry forms.

(4) "Artificial dairy product" means any food manufactured or labeled so as to purport to resemble the identity, intended use, composition, physical and sensory properties of a dairy product as defined in subsection (1) of this section.

(5) For the purpose and within the meaning of this act, an "artificial dairy product" shall not include a "dairy product" as defined in section 37-334a(1), Idaho Code, or any other manufactured food which has a federal or state of Idaho standard of identity as a food product.

(a) Food products made to resemble those food products other than dairy products in 37-334a(5), Idaho Code, are exempt from the labeling requirements in section 37-334b and 37-334c, Idaho Code, and regulations adopted pursuant thereto.

SECTION 2. That Section 37-334b, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Chapter 3, 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 37-334b, Idaho Code, and to read as follows:

37-334b. LABEL REQUIREMENTS FOR FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS. (1) For the purpose of this act, an "artificial dairy product" shall be labeled "imitation," "nondairy," "substitute," "artificial," or other similar wording as approved by the director of the Idaho department of agriculture.

(a) If a product is labeled, "imitation," it must meet the requirements in title 21, chapter I, code of federal regulations, part 101.3.

(b) All products using a term other than "imitation," shall include the term on the principal display panel(s) and shall be of uniform type, size and prominence and immediately precede or follow the type of food resembled. Provided further, in no case shall the print size be less than one-half (1/2) the size of the commonly used or fanciful name of the food.

SECTION 4. That Section 37-334c, Idaho Code, be, and the same is hereby amended to read as follows:

37-334c. INGREDIENT AND NUTRITIONAL VALUES. (1) A food product made to resemble a dairy product as defined in section 37-334a(1), Idaho Code, shall include ~~on the principal display panel a statement which will provide the major ingredients~~ a list of the ingredients contained in the food.

(a) The information regarding major the ingredients shall be ~~in type size which is twenty five percent (25%) of the size as the name of the food product but not less than one eighth (1/8) inch in height.~~ listed by common or usual names in descending order of predominance by weight and shall appear prominently and conspicuously on either the principal display panel or the information panel.

(A nutritional panel shall be provided.

(a) The panel shall include calories, protein, carbohydrates, and fat in grams per serving and nutrients as a percent of the U.S.~~R.D.A.~~ RDA for protein, vitamin A, vitamin C, thiamine, riboflavin, niacin, calcium, and iron in that order. ~~The following o~~Optional nutrients may also be declared~~: vitamins B, B6 and B12, phosphorus, iodine, magnesium, zinc, biotin and pantothenic acid.~~

(b) The nutritional panel is not required on individual serving size packages of artificial products of one (1) ounce or less served with meals in restaurants, institutions or on passenger carriers.

SECTION 5. That Chapter 3, 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 37-334d, Idaho Code, and to read as follows:

37-334d. QUALITY STANDARDS FOR FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS. Quality standards (e.g., bacteria, coliform, etc.) for food products made to resemble dairy products shall be at least the equivalent of the established quality standards of the dairy product resembled.

SECTION 6. That Chapter 3, 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 37-334e, Idaho Code, and to read as follows:

37-334e. LICENSE REQUIREMENTS FOR MANUFACTURERS OF FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS. (1) It is unlawful to engage in the manufacture of food products resembling dairy products, unless a license for the current calendar year for each separate plant or place used for such business is issued by the director of the Idaho department of agriculture.

(2) Applications for a license shall be in the form which shall be prescribed by the director of the Idaho department of agriculture.

(3) The application shall be accompanied by a fee of one hundred dollars ($100). The fee shall be prorated on a monthly basis for any licensee that commences operations after the first quarter in any calendar year whether or not such plant was licensed during the preceding calendar year.

(4) Plant licenses are not required if the plant is located in a state other than Idaho.

(5) The director of the Idaho department of agriculture shall issue to each applicant that meets the requirements of this section, a license which entitles the applicant to manufacture, sell, or distribute food products resembling dairy products for the then current calendar year for which the license is issued, unless the license is sooner revoked or suspended.

(6) The license shall expire at the end of each calendar year.

(7) It is unlawful for any person to sell any food product resembling dairy products which has been produced in a plant that is in an unsanitary condition.

(8) The manufacture of food products resembling dairy products under unhealthful or unsanitary conditions or which violate the provisions of sections 37-334 through 37-335, Idaho Code, and regulations adopted pursuant thereto, shall be grounds for revocation or suspension of such license.

SECTION 7. That Chapter 3, 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 37-334f, Idaho Code, and to read as follows:

37-334f. REGISTRATION REQUIREMENTS FOR FOOD PRODUCTS MADE TO RESEMBLE DAIRY PRODUCTS. (1) Before any food product resembling a dairy product is sold in the state of Idaho, the manufacturer or distributor of such product shall register that product with the Idaho department of agriculture.

(2) Application for a registered product shall be in the form prescribed by the Idaho department of agriculture and shall include the ingredients of the product and the proposed label or labels for the product. The director of the Idaho department of agriculture shall grant registration if the product meets the requirements of the

act and rules and regulations adopted pursuant thereto.

(3) The original application shall be accompanied by a fee of fifty dollars ($50.00). An amended application and an accompanying fee of fifty dollars ($50.00) shall be required whenever a label change is made.

(4) If the product is sold in different sizes, utilizing the same label, only one registration is required.

(5) No food product resembling dairy products shall be sold unless it has a current registration on file with the Idaho department of agriculture.

(6) All product registration information made pursuant to this section shall be kept confidential by the department and its agents and employees and is not subject to disclosure except as follows:

(a) Upon written permission by the licensee;

(b) In actions or administrative proceedings commenced under the provisions of the act;

(c) When required by subpoena or court order.

SECTION 8. That Section 37-335, Idaho Code, be, and the same is hereby amended to read as follows:

37-335. PENALTY -- ENFORCEMENT. (1) Any person, firm or corporation, violating the provisions of sections 37-331 through 37-334cf, Idaho Code, or any part or provision of any of said sections, shall be guilty of a misdemeanor and punishable by a fine not exceeding two hundred dollars ($200) or imprisonment in the county jail not exceeding six (6) months or by both such fine and imprisonment.

(2) In addition, any products not in compliance with the provisions of sections 37-334 through 37-334cf, Idaho Code, ~~after January 1, 1986,~~ shall be subject to seizure and disposition in accordance with an appropriate court order or rule adopted by the director of the department of agriculture.

SECTION 9. That Section 37-338, Idaho Code, be, and the same is hereby amended to read as follows:

37-338. DEPARTMENT OF AGRICULTURE TO ADMINISTER ACT. The department of agriculture is charged with the responsibility of administration and enforcement of sections 37-325 through 37-337, Idaho Code, and hereby is empowered to promulgate and enforce such reasonable rules and regulations, not inconsistent with these sections, as found to be necessary for that purpose.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved February 17, 1987.

CHAPTER 8
(H.B. No. 64)

AN ACT

APPROPRIATING THREE HUNDRED THOUSAND DOLLARS OR SUCH LESSER AMOUNT THEREOF AS MAY BECOME AVAILABLE FROM THE FUNDS MADE AVAILABLE TO THE DEPARTMENT OF EMPLOYMENT OF THE STATE OF IDAHO PURSUANT TO SECTION 903 OF THE SOCIAL SECURITY ACT, AS AMENDED, FOR THE PURCHASE OF REAL AND PERSONAL PROPERTY, FOR THE CONSTRUCTION OF OFFICE BUILDINGS FOR USE BY THE DEPARTMENT OF EMPLOYMENT, AND FOR REPAIRING, REMODELING AND MAINTAINING OFFICE BUILDINGS FOR USE OF THE DEPARTMENT OF EMPLOYMENT; AND PROVIDING THAT NO PART OF THE MONEY APPROPRIATED MAY BE OBLIGATED AFTER THE EXPIRATION OF THE TWO-YEAR PERIOD BEGINNING WITH THE FIRST DAY OF JULY, 1987.

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

SECTION 1. There is hereby appropriated out of the funds made available to the Department of Employment of the State of Idaho, pursuant to Section 903 of the Social Security Act, as amended, the sum of $300,000 or such lesser amount thereof as may become available as this state's share of funds allocated under the provisions of said Section 903 of the Social Security Act, as amended, to be used for the purpose of the purchase of real and personal property, the construction of office buildings for use by the Department of Employment, and for repairing, remodeling and maintaining office buildings used by the Department of Employment of the State of Idaho, as authorized by and subject to the limitations of Section 72-1346(e), Idaho Code, and Section 72-1348(d), Idaho Code.

SECTION 2. No part of the money hereby appropriated shall be obligated after the expiration of the two-year period beginning with the first day of July, 1987.

Approved February 17, 1987.

CHAPTER 9
(H.B. No. 81)

AN ACT

PERTAINING TO CONTRACTS FOR TRANSPORTATION OF PUBLIC SCHOOL PUPILS; AMENDING SECTION 33-1510, IDAHO CODE, TO PROVIDE A CORRECT CODE CITATION.

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

SECTION 1. That Section 33-1510, Idaho Code, be, and the same is hereby amended to read as follows:

33-1510. CONTRACTS FOR TRANSPORTATION SERVICE. All contracts entered into by boards of trustees for the transportation of pupils shall be in writing in form approved by the state board of education. No contract shall be executed covering a period of time exceeding five (5) years.

Before entering into such contracts, the board of trustees shall invite bids by once giving notice as provided in section 33-401~~1~~2, Idaho Code, and shall award the contract to the lowest responsible bidder.

Approved February 20, 1987.

CHAPTER 10
(H.B. No. 17)

AN ACT

RELATING TO ABANDONED PROPERTY; AMENDING SECTION 14-518, IDAHO CODE, TO ALLOW A PUBLISHED NOTICE OF A LIST OF ABANDONED PROPERTY TO BE DISTRIBUTED CONCURRENTLY WITH A NEWSPAPER OF GENERAL CIRCULATION.

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

SECTION 1. That Section 14-518, Idaho Code, be, and the same is hereby amended to read as follows:

14-518. NOTICE AND PUBLICATION OF LISTS OF ABANDONED PROPERTY. (1) The administrator shall cause a notice to be published not later than March 1, or in the case of property reported by insurance companies, September 1, of the year immediately following the report required by section 14-517, Idaho Code, at least once a week for two (2) consecutive weeks in a newspaper of general circulation, or in a published notice distributed concurrently with a newspaper of general circulation in the county of this state in which is located the last known address of any person to be named in the notice. If no address is listed or the address is outside this state, the notice must be published in a newspaper of general circulation, or in a published notice distributed concurrently with a newspaper of general circulation in the county in which the holder of the property has its principal place of business within this state.

(2) The published notice must be entitled "Notice of Names of Persons Appearing to be Owners of Abandoned Property" and contain:

(a) The names in alphabetical order and last known address, if any, of persons listed in the report and entitled to notice within the county as specified in subsection (1) of this section;

(b) A statement that information concerning the property and the name and last known address of the holder may be obtained by any person possessing an interest in the property by addressing an inquiry to the administrator; and

(c) A statement that if proof of claim is not presented by the owner to the holder and the owner's right to receive the property is not established to the holder's satisfaction before April 20, or, in the case of property reported by insurance companies, before October 20, the property will be placed not later than May 1, or in the case of property reported by insurance companies, not later than November 1, in the custody of the administrator and all further claims must thereafter be directed to the administrator.

(d) The administrator may also, in its discretion, print the names of holders of unclaimed property.

(3) The administrator is not required to publish in the notice any items of less than fifty dollars ($50.00) unless the administrator considers their publication to be in the public interest.

(4) Not later than March 1, or in the case of property reported by insurance companies, not later than September 1, of the year immediately following the report required in section 14-517, Idaho Code, the administrator shall mail a notice to each person whose last known address is listed in the report and who appears to be entitled to property of the value of fifty dollars ($50.00) or more presumed abandoned under this chapter and any beneficiary of a life or endowment insurance policy or annuity contract for whom the administrator has a last known address.

(5) The mailed notice must contain:

(a) A statement that, according to a report filed with the administrator, property is being held to which the addressee appears entitled;

(b) The name and last known address of the person holding the property and any necessary information regarding the changes of name and last known address of the holder; and

(c) A statement that, if satisfactory proof of claim is not presented by the owner to the holder by the date specified in the published notice, the property will be placed in the custody of the administrator and all further claims must be directed to the administrator.

(6) This section is not applicable to sums payable on travelers checks, money orders, and other written instruments presumed abandoned under section 14-504, Idaho Code.

Approved February 20, 1987.

CHAPTER 11
(S.B. No. 1012)

AN ACT

RELATING TO OCCUPANCY OF THE GOVERNOR'S RESIDENCE; AMENDING SECTION 67-808c, IDAHO CODE, TO PROVIDE THAT THE GOVERNOR MAY OCCUPY THE GOVERNOR'S RESIDENCE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-808c, Idaho Code, be, and the same is hereby amended to read as follows:

67-808c. GOVERNOR TO OCCUPY GOVERNOR'S RESIDENCE. The governor of the state of Idaho ~~shall~~ may, during his term of office, for the convenience and benefit of the state of Idaho, occupy the governor's residence as a residence.

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

Approved February 24, 1987.

CHAPTER 12
(S.B. No. 1004)

AN ACT

RELATING TO CITY BEER LICENSES; AMENDING SECTION 23-1016, IDAHO CODE, TO PROVIDE FOR APPEALS IF A LICENSE ISSUANCE, TRANSFER OR RENEWAL IS DENIED.

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

SECTION 1. That Section 23-1016, Idaho Code, be, and the same is hereby amended to read as follows:

23-1016. MUNICIPAL LICENSE ALSO REQUIRED -- PROCEDURE. (1) It shall be competent and lawful for an incorporated municipality within the county wherein said county license to sell beer is granted by the county, by proper ordinance and regulation, to prohibit the sale of beer within the incorporated limits of such incorporated municipality until a retailer's license is first obtained from such incorporated municipality. Provided, however, that no incorporated municipality shall issue a license to any retailer until such retailer shall have first obtained a county license from the board of county commissioners, and that a revocation of the license granted by the board of county commissioners shall work a revocation of license granted by such incorporated municipality. Provided, further, that no municipality, whether operating under a special charter or otherwise, shall exact a license fee from any retailer except as follows:

(a) Where such retailer sells only bottled or canned beer: none of which is consumed on the premises where sold, the license fee shall be equal to twenty-five per cent (25%) of the license fee exacted under subsection (b).

(b) Where such retailer sells for consumption on the premises, draught beer and bottled or canned beer or draught beer only, not in excess of two hundred dollars ($200) a year.

(2) The city council shall establish by ordinance a procedure for processing applications for licenses, transfers or renewals thereof in a timely manner. Each application for a license, transfer or renewal thereof, required by the provisions of this section, shall be submitted to the city council for a decision. The city council shall have a reasonable time to examine the application before a decision is made on granting or denying the license, or the transfer or renewal thereof. Each city council shall establish, by ordinance, a time period within which a decision must be made following submission of an application. Whenever a city council denies an application, the council shall specify in writing:

(a) The statutes, ordinances and standards used in evaluating the application;

(b) The reasons for denial; and

(c) The actions, if any, that the applicant could take to obtain the license, transfer or renewal thereof.

(3) Nothing in this section shall be construed as prohibiting the delegation of the processing of an application and the granting or denying thereof, as provided in subsection 2 of this section, to a municipality's city clerk. If the licensing power is delegated, an applicant denied a license, transfer, or renewal thereof may appeal the city clerk's decision to the city council, within the time and in the manner as the city council may provide by ordinance.

(4) An applicant denied a license, transfer or renewal thereof or aggrieved by a decision of the city council pursuant to this section may, within sixty (60) days, after all remedies have been exhausted under city ordinances and procedures, seek judicial review under the procedures provided in sections 67-5215 and 67-5216, Idaho Code. For the purposes of sections 67-5215 and 67-5216, Idaho Code, and of this section, a city shall be construed to mean an agency.

(~~4~~5) In all cases where the city council is considering an applications for or hearing an appeal from a denial of a licenses, transfers or renewals thereof, a transcribable verbatim record of the proceedings shall be made. If the application for or appeal from a denial of a license, transfer or renewal is denied, a transcribable, verbatim record of the proceedings shall be kept for a period of not less than six (6) months after a final decision on the matter. For the purpose of this section, the date of final decision shall be the date upon which the written decision of the city council is transmitted. Upon written request and within the time period provided for retention of the record, any person may have the record transcribed at his expense. The city council shall also provide for the keeping of minutes of the proceedings. Minutes shall be retained indefinitely or as otherwise provided by law.

Approved February 25, 1987.

CHAPTER 13
(S.B. No. 1005)

AN ACT

RELATING TO BIENNIAL AUDITS OF CITY FINANCES; AMENDING SECTION 50-1010, IDAHO CODE, TO INCREASE THE AMOUNT OF A CITY'S ANNUAL BUDGET IN ORDER TO CONTINUE BIENNIAL AUDITS.

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

SECTION 1. That Section 50-1010, Idaho Code, be, and the same is hereby amended to read as follows:

50-1010. AUDIT OF CITY FINANCES -- AUDIT TO BE FILED. It shall be the duty of the council in every city to cause to be made a full and complete audit of all the financial transactions of such city every year; however, lacking more stringent requirements by contract or government law, rule, or regulation, any city whose annual budget for all purposes does not exceed ~~one~~ two hundred fifty thousand dollars ($~~1~~250,000) may elect to have its financial transactions audited on a biennial basis and may continue biennial auditing cycles in subsequent years provided that the city's annual budget does not exceed ~~one~~ two hundred fifty thousand dollars ($~~1~~250,000) during any biennial period. Biennial audits shall include an audit of each fiscal year since the previous audit and the permissible cycle shall include two (2) fiscal years, which combined, commence and end on odd-numbered years. Such audit shall be made by and under the direction of said council by an independent auditor, in accordance with generally accepted auditing standards and procedures.

The council shall be required to include all necessary expenses for carrying out the provisions of this section in its annual budget.

The council is hereby required to file one (1) copy of such completed audit report with the legislative auditor within ten (10) days after its delivery by the contracting auditor.

Approved February 25, 1987.

CHAPTER 14
(H.B. No. 26)

AN ACT

RELATING TO THE PAYMENT OF CERTAIN FEES; AMENDING SECTION 67-2301, IDAHO CODE, TO EXEMPT COUNTIES FROM PAYING CERTAIN FEES.

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

SECTION 1. That Section 67-2301, Idaho Code, be, and the same is hereby amended to read as follows:

67-2301. EXEMPTION FROM PAYMENT OF FEES. No fees or compensation of any kind (except the regular salary or compensation paid by the state to the officer, agent, or employee individually for his services) shall be charged or received by any state board, officer, agent or employee for duties performed or services rendered to or for the state or to or for any state board, officer, agent, or employee in the performance of his or their official duties, or to or for the state or any state board, officer, agent and employee in any action or proceeding in which they or any of them are parties. No filing or recording fee shall be charged or received for duties performed or services rendered to or for the state or to or for any state board, officer, agent, employee or any county or county officer in the performance of his or their official duties.

Approved March 2, 1987.

CHAPTER 15
(H.B. No. 42)

AN ACT

RELATING TO THE ADOPTION OF COUNTY ORDINANCES; AMENDING SECTION 31-715, IDAHO CODE, TO PROVIDE THAT ONE COPY OF REFERENCED CODES SHALL BE FILED AND RETAINED IN THE OFFICE OF THE COUNTY CLERK.

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

SECTION 1. That Section 31-715, Idaho Code, be, and the same is hereby amended to read as follows:

31-715. STYLE OF ORDINANCES -- WHEN EFFECTIVE -- PUBLICATION. The style of all ordinances shall be: "Be it ordained by the board of county commissioners of .... county, Idaho"; and all ordinances of a general nature shall, before they take effect and within one (1) month after they are passed, be published in at least one (1) issue of a newspaper published in the county, but if no paper be publi~~shed i~~n the county, then in some paper having general circulation therein; provided, however, that in cases of riot, infectious or contagious diseases, or other impending danger requiring its immediate operation, such ordinances shall take effect upon the proclamation of the board of county commissioners, posted in at least five (5) public places in the county; provided further that whenever a revision or codification of ordinances is made and the revised or codified ordinances are published by authority of the board of county commissioners in book or pamphlet form no further publication thereof shall be deemed necessary, provided that when codes establishing rules and regulations for the construction, alteration or repair of buildings, the installation of plumbing, the installation of electric wiring, sanitary regulations or health measures, or other related or similar work, have been regularly adopted as a code by such board, they shall take effect without

publication or posting thereof if reference be made to such code in a regularly adopted and published ordinance without including in such regularly adopted and published ordinance more than a particular reference to such code, provided, however, that ~~not less than three copies~~ one (1) copy of such code duly certified by the clerk of the board of county commissioners shall have been filed for use and examination by the public in the office of the clerk of the board of county commissioners prior to the adoption of said ordinance by the clerk of the board of county commissioners, and thereafter kept on file in such office.

Approved March 2, 1987.

CHAPTER 16
(H.B. No. 146)

AN ACT

APPROPRIATING MONEYS FROM THE PUBLIC BUILDING ACCOUNT TO THE PERMANENT BUILDING FUND ADVISORY COUNCIL AND THE DIVISION OF PUBLIC WORKS FOR THE PURPOSE OF RENOVATING AND REPAIRING ROOMS AND SYSTEMS IN THE CAPITOL BUILDING, PROVIDING THE LIMITS DURING WHICH THE APPROPRIATION SHALL BE AVAILABLE, AND PROVIDING FOR LEGISLATIVE OVERSIGHT; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Public Building Account $150,000, or so much thereof as may be necessary, to the Permanent Building Fund Advisory Council and the Division of Public Works for the purpose of renovating and repairing legislative rooms on the third and fourth floors and the basement level of the Capitol Building; for replacing or refinishing furniture, carpet, woodwork and fixtures on the third and fourth floors and the basement level of the Capitol Building, and for making basic repairs to the electrical, heating, ventilating and air conditioning systems in the Capitol Building.

The appropriation made in this section shall be available from the effective date of this act through November 30, 1988.

No work on the legislative spaces of the Capitol Building shall be performed without the prior approval of the Senate President Pro Tempore or the Speaker of the House of Representatives.

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 2, 1987.

CHAPTER 17
(H.B. No. 20)

AN ACT

RELATING TO DEALERS IN FARM PRODUCE; AMENDING SECTION 22-1303, IDAHO CODE, BY INCREASING THE APPLICATION FEES FOR COMMISSION MERCHANTS, DEALERS, BROKERS, AND AGENTS; AND AMENDING SECTION 22-1304, IDAHO CODE, TO PROVIDE AN ALTERNATE METHOD TO MEET BONDING REQUIREMENTS.

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

SECTION 1. That Section 22-1303, Idaho Code, be, and the same is hereby amended to read as follows:

22-1303. LICENSE REQUIRED -- APPLICATION, ISSUANCE, FEES. No person shall act as a commission merchant, dealer, broker, or agent without having obtained a license as provided in this chapter. Every person, acting as a commission merchant, dealer, broker or agent as herein defined shall file an application with the director for a license to transact the business of commission merchant, dealer, broker and/or agent, and such application shall be accompanied by the license fee herein provided for each specified class of business. Separate applications shall be filed for each class of business.

Such application shall in each case state the class or classes of farm products the applicant proposes to handle, the full name of the person applying for such license, and if the applicant be a firm, exchange, association or corporation, the full name of each member of the firm, or the names of the officers of the exchange, association or corporation shall be given in the application. Such application shall further state the principal business address of the applicant in the state of Idaho and elsewhere, and the name or names of the person or persons authorized to receive and accept service of summons and legal notices of all kinds for the applicant within the state of Idaho. Such applicant shall further satisfy the director of his or its character, responsibility and good faith in seeking to carry on the business stated in the application.

In addition to the general requirements applicable to all classes of applications as in this section set forth, the following requirements shall apply to the class of application noted:

(a) Commission merchants: Each application shall include a schedule of commissions and charges for services, and such designated commissions and charges shall not be changed or varied for the license period except by written contract between the parties.

(b) Agents: Each application shall include such information as the director may consider proper or necessary, and shall include the name and address of applicant, and the name and address of each commission merchant, dealer or broker represented or sought to be represented by said agent, and the written indorsement or nomination of such commission merchant, dealer or broker.

The director shall thereupon issue to such applicant a license entitling the applicant to conduct the business described in the

application at the place named in the application until the 30th day of May next following, or until the same shall have been revoked for cause. The director may also issue to each agent a card or cards, which shall bear the signature of such agent and his principal, separate cards being required for each principal. Any agent shall show card or cards upon the request of any interested person.

Fraud or misrepresentation in making any application shall ipso facto work a revocation of any license granted thereunder. All indicia of the possession of a license shall be at all times the property of the state of Idaho, and each licensee shall be entitled to the possession thereof only for the duration of said license.

For filing the applications herein described, each applicant must pay a fee as follows:

(a) Commission merchants: ~~Twenty-five~~ Fifty dollars ($250.00) for each year.

(b) Dealers: ~~Twenty-five~~ Fifty dollars ($250.00) for each year.

(c) Brokers: ~~Twenty-five~~ Fifty dollars ($250.00) for each year.

(d) Agents: ~~Five~~ Fifteen dollars ($15.00) for each year.

Any person who shall have been licensed as a commission merchant shall, upon application, be licensed also as a dealer and as a broker as defined herein, without payment of further fees, and shall thereupon conform to the parts of this chapter regulating the business of a dealer and/or broker. Any person who has applied for and received a license as a dealer or broker in the manner and upon payment of the fee herein set forth may apply for and secure a license as a commission merchant in addition to the license issued to him as such dealer or broker, without payment of further fee and upon further complying with those parts of this chapter regulating the licensing of a commission merchant.

SECTION 2. That Section 22-1304, Idaho Code, be, and the same is hereby amended to read as follows:

22-1304. BOND -- CERTIFICATE OF DEPOSIT IN LIEU OF BOND. All applications for licenses to act as broker, dealer or commission merchant dealing in farm produce as each of said terms are defined ~~by~~ in section 22-1301, Idaho Code, shall be accompanied by a good and sufficient bond in the penal sum of not less than ten thousand dollars ($10,000), and upon a form to be approved by the attorney general of the state of Idaho, and executed by the applicant as principal and by a surety company authorized to do business in the state of Idaho as surety. Said bond shall be for the benefit of any and all consignors or sellers having any cause of action against the broker, dealer and/or commission merchant giving such bond, and arising out of a breach of contract either express or implied of such broker, dealer or commission merchant with a consignor or seller or with consignors as broker, dealer or commission merchant and consignor or consignors or for any fraud practiced by such broker, dealer or commission merchant for the violation of the rights of any person whether a consignor, seller, or otherwise. The bond herein required to be given shall be conditioned ~~that~~ upon the applicant ~~will~~ conducting and transacting his business honestly and without fraud of any kind or nature and will

comply with the provisions of this act and of the laws of the state of Idaho. Any person injured by dishonesty, fraud and violation of the provisions of this act or for violation of his contract as such commission merchant, dealer or broker to any person and while engaged in such business shall have a right of action on said bond for his damages not exceeding the amount of said bond.

Any person required to submit a bond to the department in accordance with this chapter, may at his option give to the department a certificate of deposit payable to the director as trustee in lieu of the bond required herein. The principal amount of the certificate shall be the same as that required for a surety bond pursuant to this chapter. Accrued interest upon the certificate of deposit shall be payable to the purchaser of the certificate. The certificate shall remain on file with the department until it is released, cancelled or discharged by the director. The provisions of this chapter that apply to a bond required pursuant to this chapter apply to each certificate of deposit given in lieu of such bond.

Approved March 2, 1987.

CHAPTER 18
(H.B. No. 24)

AN ACT

RELATING TO RECONCILIATION AND CLARIFICATION OF CONFLICTING SALES TAX EXEMPTION PROVISIONS ENACTED IN 1984 AND 1986; PROVIDING A STATEMENT OF INTENT; REPEALING SECTION 63-3622, IDAHO CODE, AS AMENDED BY CHAPTERS 119, 195 AND 287, LAWS OF 1984 AND BY CHAPTERS 30, 120 AND 180, LAWS OF 1986; AMENDING SECTION 63-3622L, IDAHO CODE, TO CLARIFY THE MINIMUM AMOUNT SUBJECT TO SALES TAX; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622Z, IDAHO CODE, TO RECODIFY THE EXEMPTION FOR SALES BY INDIAN TRIBAL ENTERPRISES; AMENDING SECTION 63-3622R, IDAHO CODE, TO RECODIFY EXEMPTIONS FOR MANUFACTURED HOMES; AMENDING SECTION 63-3622O, IDAHO CODE, TO RECODIFY EXEMPTIONS FOR NAMED CHARITIES; AMENDING SECTION 63-3622C, IDAHO CODE, TO RECODIFY EXEMPTION FOR CERTAIN FUEL; AND DECLARING AN EMERGENCY.

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

SECTION 1. STATEMENT OF INTENT. It is the intention of the legislature by this act to reconcile and clarify any statutory conflicts which may have resulted from the enactment by the Second Regular Session of the Forty-seventh Idaho Legislature in 1984 of four acts relating to exemptions from sales tax. These acts were Chapter 239 (H.B. 680), Chapter 119 (H.B. 664), Chapter 195 (H.B. 586), and Chapter 287 (H.B. 699), Laws of 1984. The purpose of this act is to repeal Section 63-3622, Idaho Code, as amended by Chapters 119, 195 and 287, Laws of 1984 and by Chapters 30, 120 and 180, Laws of 1986.

Section 63-3622, Idaho Code, as amended by Chapter 239, Laws of 1984, is to be retained and is hereby ratified. Changes to sales tax exemptions not reflected in Chapter 239, Laws of 1984 are, by this act, to be restated in the new code sections enacted by Chapter 239, Laws of 1984.

SECTION 2. That Section 63-3622, Idaho Code, as amended by Section 1 of Chapter 119, by Section 37 of Chapter 195, by Section 4 of Chapter 287, Laws of 1984, by Section 13 of Chapter 30, by Section 1 of Chapter 120, and by Section 1 of Chapter 180, Laws of 1986, be, and the same is hereby repealed.

SECTION 3. That Section 63-3622L, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622L. VENDING MACHINES. There is exempted from the taxes imposed by this chapter the sale of articles through a coin-operated vending machine for a total consideration of ~~fifteen~~ eleven cents ($.15) or less and individual transactions involving a total sales price of ~~less than fifteen~~ eleven cents ($.15) or less.

SECTION 4. 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 63-3622Z, Idaho Code, and to read as follows:

63-3622Z. SALES BY INDIAN TRIBES. There is hereby exempted from the taxes imposed by this chapter 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.

SECTION 5. That Section 63-3622R, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622R. MOTOR VEHICLES AND USED MOBILE HOMES. There are exempted from the taxes imposed by this chapter:

(a) 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.

(b) 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.

(c) 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.

SECTION 6. That Section 63-3622O, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622O. NONPROFIT ORGANIZATIONS. There are exempted from the taxes imposed by this chapter 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:

(a) "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.

(b) "Hospital" shall include nonprofit institutions licensed by the state for the care of ill persons. It shall not extend to nursing homes or similar institutions.

(c) "Health-related entities" 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.

(d) "Canal companies" 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.

(e) "Forest protective associations" 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.

SECTION 7. That Section 63-3622C, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622C. MOTOR FUELS SUBJECT TO TAX. There are exempted from the taxes imposed by this chapter purchases which are subject to the motor fuels tax imposed by chapter 24, title 63, Idaho Code, and purchases upon which motor fuels taxes have actually been paid and the sale or

use of any fuel which is 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.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 2, 1987.

CHAPTER 19
(H.B. No. 30)

AN ACT

RELATING TO ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS; AMENDING SECTION 34-440, IDAHO CODE, TO DELETE THE REQUIREMENT FOR CERTIFICATION AND VERIFICATION OF A TAXING DISTRICT'S BONDED INDEBTEDNESS BY THE COUNTY RECORDER.

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

SECTION 1. That Section 34-440, Idaho Code, be, and the same is hereby amended to read as follows:

34-440. DISCLOSURES IN ELECTIONS TO AUTHORIZE BONDED INDEBTEDNESS. Notwithstanding any other provision of law, any taxing district which proposes to submit any question to the electors of the district that would authorize any bonded indebtedness shall provide a brief official statement setting forth in simple, understandable language, information on the proposal substantially as follows:

(1) The total existing indebtedness, including interest accrued, of the taxing district;

(2) The interest rate which is anticipated on the proposed bond issue, the range of anticipated rates, and the maximum rate if a maximum is specified in the submission of the question; and

(3) The total amount to be repaid over the life of the bond issue based on the anticipated interest rate, if the bond election is approved.

~~The information prepared by the taxing district shall be submitted to the county recorder for review against information submitted pursuant to section 57-301, Idaho Code, and independently verified by the county recorder.~~ The verified, official district's statement shall be ~~returned to the taxing district and~~ be made a part of the official ballot and be included in the official notice of the election.

Approved March 2, 1987.

CHAPTER 20
(H.B. No. 79)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-420, IDAHO CODE, TO PROVIDE THAT A MILITARY PERSON'S REGISTRATION CARD MAY BE CANCELLED IF THAT PERSON HAS NOT VOTED IN THE PREVIOUS FOUR YEARS, AND TO ALLOW COUNTY CLERKS TO CANCEL REGISTRATIONS DURING CALENDAR YEAR 1987.

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

SECTION 1. That Section 34-420, Idaho Code, be, and the same is hereby amended to read as follows:

34-420. NO ELECTOR'S REGISTRATION SHALL BE CANCELED WHILE HE IS SERVING IN THE ARMED FORCES -- EXCEPTION. (1) Except as provided in section 34-435, Idaho Code, nNo elector's registration shall be canceled, nor shall he be deprived of his right to vote at any election by reason of the removal of his official registration card from the register of electors, during any period that he is serving in the Aarmed Fforces of the United States or of any ally of the United States.

(2) In order to facilitate the implementation of the provisions of subsection (1) of this section, the one hundred twenty (120) day limitation in section 34-435, Idaho Code, shall be waived for the year 1987, in order to allow military registrations to be cancelled by the county clerk in calendar year 1987.

Approved March 2, 1987.

CHAPTER 21
(H.B. No. 22)

AN ACT

RELATING TO THE ASSESSMENT ON EGGS; AMENDING SECTION 37-1523A, IDAHO CODE, TO INCREASE THE ASSESSMENT AND TO CHANGE THE DATE THE ASSESSMENT IS PAID TO THE DEPARTMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 37-1523A, Idaho Code, be, and the same is hereby amended to read as follows:

37-1523A. ASSESSMENTS -- EXEMPTIONS TO ASSESSMENTS -- PREPAYMENT -- AUDIT. (1) There is hereby levied an assessment not to exceed three four (34) mills per dozen eggs (34/10 of a cent per dozen eggs) entering intrastate commerce as prescribed by rules and regulations issued by the director. Such assessment shall be applicable to all eggs

entering intrastate commerce in retail cartons. Such assessment shall be paid to the department of agriculture on a monthly basis on or before the ~~10~~ 25th day following the month such eggs enter intrastate commerce. The director may require reports by egg handlers, dealers, or distributors along with the payment of the assessment fee. Such reports may include any and all pertinent information necessary to carry out the purpose of this act. The director, may by regulations, require egg container manufacturers to report on a monthly basis on agriculture containers sold to any egg handler, dealer or distributor.

(2) The assessment provided in this section shall not apply to:

(a) Sale and shipment to points outside of this state;

(b) Sale to the United States government and its instrumentalities;

(c) Sale to breaking plants for processing into egg products;

(d) Sale to consumers at the place of production or processing;

(e) Sale between egg distributors;

(f) Idaho shell egg producers having three hundred (300) or less hens may sell ungraded shell eggs produced upon their premises to retailers, provided that each carton or other container of ungraded shell eggs sold shall be clearly marked "ungraded" and shall bear the name and address of the Idaho producer.

(3) Any egg handler, dealer or distributor may prepay the assessment provided for in subsection (1) of this section by purchasing Idaho state egg seals from the director to be placed on egg containers showing that the proper assessment has been paid. Any carton manufacturer may apply to the director for a permit to place reasonable facsimiles of the Idaho state egg seals to be imprinted on egg containers. The director shall from time to time prescribe rules and regulations governing the affixing of seals and he is authorized to cancel any such permit issued pursuant to this chapter whenever he finds that a violation of the terms of which the permit has been granted has been violated.

(4) Every egg handler, dealer or distributor who pays assessments required under the provisions of this section on a monthly basis in lieu of seals shall be subject to audit by the director on an annual basis or more frequently if necessary. Failure to pay assessments when due or refusal to allow an audit may be cause for a suspension or revocation of an egg handler, dealer or distributor's license. The conditions and assessments applicable to egg handlers, dealers and distributors set forth in section 37-1523, Idaho Code, shall also be applicable to payments to the director for facsimiles of seals placed on egg containers.

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 2, 1987.

CHAPTER 22
(H.B. No. 82)

AN ACT

RELATING TO BEER LICENSES; AMENDING SECTION 23-1003, IDAHO CODE, TO PROVIDE FOR A BREWER'S RETAIL BEER LICENSE, FOR A BREWER'S PUB LICENSE AND TO PROVIDE FOR PAYMENT OF BEER TAX; AMENDING SECTION 23-1007, IDAHO CODE, TO PROVIDE AN EXCEPTION TO SALES ON PREMISES; AND AMENDING SECTION 23-1033, IDAHO CODE, TO PROVIDE EXCEPTIONS TO A FINANCIAL INTEREST IN A RETAILER'S BUSINESS.

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

SECTION 1. That Section 23-1003, Idaho Code, be, and the same is hereby amended to read as follows:

23-1003. BREWERS', DEALERS' AND WHOLESALERS' LICENSES. (a) Before any brewer shall manufacture, or any dealer or wholesaler import or sell, beer within the state of Idaho he shall apply to the director for a license so to do. The application form shall be prescribed and furnished by the director and require that the applicant therein show that he possesses all the qualifications and none of the disqualifications of a licensee. The application shall be accompanied by the required licensee fee; provided, that where the applicant is or will be within more than one (1) of the foregoing classifications he shall apply for each classification but shall pay only one (1) license fee, which shall be for the classification applied for requiring the highest fee. If the director is satisfied that the applicant possesses the qualifications and none of the disqualifications for such license, he shall issue a license for each classification applied for, subject to the restrictions and upon the conditions in this act specified, which license or licenses shall be at all times prominently displayed in the place of business of the licensee.

(b) Each wholesaler shall, in addition to the application, file with the director a notice in writing signed by the dealer or brewer and the wholesaler stating the geographic territory within which the wholesaler will distribute beer to retailers. Said territory will be the territory agreed upon between the dealer or brewer and the wholesaler and may not be changed or modified without the consent of both the dealer or brewer and the wholesaler. Provided however, nothing contained herein shall be interpreted to prohibit a brewer or dealer from permitting more than one (1) distributor for the same geographic territory.

(c) In the event that a wholesaler sells beer to a retailer who is located outside the geographical territory designated by such wholesaler on the notice provided for in subparagraph (b) hereof, the dealer or wholesaler who has designated the geographical territory in which the sale occurred may apply to a district court of this state for the issuance of an injunction enjoining sales of beer by the wholesaler outside of his designated geographical territory. The procedure for issuance of an injunction pursuant to this act shall be

subject to the provisions of chapter 4, title 8, Idaho Code, and the Idaho Rules of Civil Procedure. Upon proof to the court that a wholesaler has made a sale of beer outside his designated geographical territory, the court shall issue an injunction directed to the wholesaler prohibiting sales of beer outside his designated geographical territory.

(d) Any brewer licensed within the state of Idaho who produces fewer than thirty thousand (30,000) barrels of beer annually, upon payment of a retailer's annual license fee, may be issued a brewer's retail beer license for the retail sale of the products of his brewery at his licensed premise or one (1) remote retail location, or both. Any brewer selling beer at retail or selling to a retailer must pay the taxes required in section 23-1008, Idaho Code, but need not be licensed as a wholesaler.

(e) Any brewer licensed within the state of Idaho who produces fewer than thirty thousand (30,000) barrels of beer annually, may be issued a brewer's pub license. Upon payment of a retailer's annual license fee, and subject to the fees in sections 23-1015 and 23-1016, Idaho Code, a brewer may, at his licensed brewery, at one (1) remote retail location, or both, sell at retail the products of any brewery by the individual bottle, can or glass. Any brewer selling beer at retail or selling to a retailer must pay the taxes required in section 23-1008, Idaho Code, on the products of his brewery, but need not be licensed as a wholesaler.

SECTION 2. That Section 23-1007, Idaho Code, be, and the same is hereby amended to read as follows:

23-1007. SALES BY DEALERS AND WHOLESALERS -- PROHIBITED UNLESS OBTAINED FROM LICENSEES -- CONSUMPTION ON PREMISES PROHIBITED -- MINIMUM SALE ON LICENSED PREMISES OF UNBROKEN PACKAGES OR KEGS. It shall be unlawful for any dealer or wholesaler to sell, or dispose for use, within the state of Idaho any unbroken packages or kegs of beer produced, manufactured, imported or bought by such dealer except to licensed dealers, wholesalers, retailers or to his employees; nor shall any dealer or wholesaler allow for a consideration such beer to be consumed upon the premises of such dealer or wholesaler; provided, however, that any dealer or wholesaler shall be allowed to make sales of beer in kegs of not less than seven and three-quarters (7 3/4) gallons to a consumer at his licensed premises. Licensed brewers may sell at retail only as provided in section 23-1003(d) and (e), Idaho Code.

SECTION 3. That Section 23-1033, Idaho Code, be, and the same is hereby amended to read as follows:

23-1033. FINANCIAL INTEREST IN OR AID TO RETAILERS PROHIBITED -- CERTAIN AID PERMITTED. (1) Except as provided in sections 23-1003(d), and 23-1003(e), Idaho Code, it shall be unlawful for any brewer, dealer, wholesaler, or the holder of any certificate of approval, directly or indirectly, or through an affiliate, subsidiary, officer, director, agent or employee, to have any financial interest in any licensed retailer's business, or to own or control any real property

upon which a licensed retailer conducts his business, except such property as shall have been so owned or controlled continuously for more than one (1) year prior to the effective date of this act; or, directly or indirectly, to aid or assist any licensed retailer by giving such retailer, or any employee thereof, any discounts, premiums or rebates in connection with any sale of beer, or by furnishing, giving, renting, lending or selling any equipment, signs, supplies, services, or other thing of value, except as expressly permitted by this act; or, to enter into any lease or other agreement with any retail licensee to control the product or products sold by such retailer, or to provide for any rental or other charge to be paid to or by the retailer for product display or advertising display space; provided, however, that at the request of or with the consent of a licensed retailer, a brewer, dealer, or wholesaler as an incident to merchandising in the ordinary course of business, and if available to all licensed retailers without discrimination, may:

(a) Furnish to a retailer, under the conditions and within the limitations prescribed herein, certain equipment, signs, supplies and services, such as furnishing to retailers with or without charge the following items:

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

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

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

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

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

(f) Perform services incident to the stocking, rotation and

restocking of beer sold and delivered to such licensed retailer on or in such licensed retailer's storeroom, salesroom shelves or refrigerating units to the marking of containers of such beer to indicate the selling price as established by the retailer and to the arranging, rearranging, or relocating of advertising displays referred to in this section. For the purposes of this paragraph, a wholesaler may, with the permission of the retailer, and in accordance with space allocations directed by the retailer, set, remove, replace, reset or relocate all beer upon the shelves of the retailer. Labor performed or schematics prepared by the wholesaler relating to conduct authorized pursuant to this paragraph shall not constitute prohibited conduct or unlawful aid to a retailer;

(g) Perform services in connection with:

1. The inspection of a licensed retailer's draught equipment to insure sanitation and quality control;

2. The instruction of licensed retailers in the proper use, maintenance and care of draught equipment, glasses and products used in the sale and dispensing of beer and the preparation and distribution of written information or instructions to licensed retailers with respect thereto;

3. The tapping of kegs.

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

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

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

Approved March 2, 1987.

CHAPTER 23
(H.B. No. 161)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE STATE INSURANCE FUND IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 156, LAWS OF 1986; 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 156, Laws of 1986, there is hereby appropriated to the Office of the Governor for the State Insurance Fund the following amount 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	$41,100
Operating Expenditures	9,800
Capital Outlay	29,200
TOTAL	$80,100
FROM:	
State Insurance Fund Account	$80,100

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

Approved March 2, 1987.

CHAPTER 24
(S.B. No. 1007, As Amended)

AN ACT

RELATING TO CITY BOARDS AND COMMISSIONS; AMENDING SECTION 50-210, IDAHO CODE, TO PROVIDE THAT THE RESPONSIBILITIES, DUTIES AND AUTHORITY OF PERMANENT BOARDS AND COMMISSIONS SHALL BE ENUMERATED BY ORDINANCE, AND TO PROVIDE FOR APPOINTMENT AND REMOVAL OF MEMBERS, THE PAYMENT OF EXPENSES AND KEEPING OF RECORDS OF PERMANENT BOARDS, COMMISSIONS OR COMMITTEES.

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

SECTION 1. That Section 50-210, Idaho Code, be, and the same is hereby amended to read as follows:

50-210. BOARDS ~~--~~ COMMISSIONS. The mayor and council shall have authority to appoint such boards, commissions and committees as may be deemed necessary or expedient to assist them mayor and council in better carrying out the responsibilities of their offices. ~~Except as may otherwise be specifically provided by statute, boards, commissions or committees shall function only in advisory capacity to the mayor or council. Such~~ The responsibilities, duties and authority ~~as are~~ granted permanent boards or commissions, shall be enumerated by ordinance ~~and not otherwise~~. All appointments to permanent boards, commissions or committees shall be made by the mayor with the advice and approval of the council, and members of permanent boards, commissions or committees may in like manner be removed. Members of all such boards, commissions or committees shall serve without compensation,

but actual and necessary expenses may be allowed ~~with--prior--approval by--the--council~~ by ordinance in the case of permanent boards, commissions or committees, or with prior approval of the mayor and city council for all other boards, commissions or committees. Unless otherwise specifically provided, each such board, commission or committee shall provide its own manner of organizing, but shall maintain such records and make such reports as the mayor and city council may require or request.

Approved March 2, 1987.

CHAPTER 25
(S.B. No. 1024, As Amended)

AN ACT

RELATING TO SCHOOL DISTRICTS' TEXTBOOK ADOPTIONS; AMENDING SECTION 33-512A, IDAHO CODE, TO PROVIDE THAT INSTRUCTIONAL MATERIALS EXCEPT STUDENTS' TESTS USED IN A DISTRICT MAY BE INSPECTED BY THE PUBLIC.

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

SECTION 1. That Section 33-512A, Idaho Code, be, and the same is hereby amended 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. The public has the right to inspect the instructional materials, except students' tests, used in the district's schools.

Approved March 2, 1987.

CHAPTER 26
(H.B. No. 46)

AN ACT

RELATING TO LOCAL BUSINESS IMPROVEMENT DISTRICTS; AMENDING CHAPTER 17, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-1703A,

IDAHO CODE, TO PROVIDE FOR THE CREATION OF LOCAL BUSINESS IMPROVEMENT DISTRICTS FOR THE PURPOSE OF PAYING THE COSTS AND EXPENSES OF IMPROVEMENTS TO THE EXTERIOR PORTIONS OF BUSINESS BUILDINGS WITHIN SUCH DISTRICTS, TO PROVIDE FOR THE INITIATION AND CREATION OF SUCH DISTRICTS, AND TO PROVIDE FOR ASSESSMENTS AND THE ISSUANCE OF BONDS THEREFORE.

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

SECTION 1. That Chapter 17, 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 50-1703A, Idaho Code, and to read as follows:

50-1703A. LOCAL BUSINESS IMPROVEMENT DISTRICTS. (1) The legislature finds that the development of architectural themes for cities is a legitimate method to further the public health, safety and welfare of cities. The purpose of the provisions of this section is to authorize cities to create local business improvement districts for the purpose of constructing and financing the cost and expense of improvements to the exterior portions of business buildings to bring business buildings within the district into conformity with the architectural theme adopted by the city. The improvement of business buildings in conformity with the architectural theme adopted by a city is hereby declared a public purpose.

(2) Municipalities are hereby authorized to create local business improvement districts for the purpose of constructing and financing the cost and expense of improvements to the exterior portions of business buildings in order to bring business buildings within such districts into conformity with an architectural theme adopted by the city.

(3) The term "business building" includes any building devoted primarily to business purposes, including professional and governmental purposes.

(4) It is the intent of the provisions of this section that local business improvement districts be administered in all respects as are local improvement districts, except as provided herein.

(5) Local business improvement districts shall be initiated by presentment to the council of a petition containing the following:

(a) A description of the particular lots and parcels to be included in the proposed district;

(b) A description of the improvements to be constructed and financed by the district;

(c) The estimated cost of the improvements;

(d) The percentage of the cost to be assessed against each lot and parcel within the district; and

(e) The signature of the owner of record of each lot or parcel to be included within the district, consenting to inclusion of the lot or parcel within the district.

(6) The total project amount assessed against each parcel within the district shall be no more than twenty percent (20%) of the market value for assessment purposes of the parcel.

(7) Lots and parcels need not be contiguous in order to be included within a district. No lot or parcel may be included within a district without the written consent of the owner thereof; provided, that, after the district has been created, consent to inclusion in the district may not subsequently be withdrawn prior to payment of all costs of the improvements.

(8) Upon receipt of the petition, the council shall adopt a resolution of intention, substantially in the form provided in section 50-1707, Idaho Code, stating the council's intention to create the district, to make the improvements, and to levy assessments to pay the cost thereof. The resolution shall contain a statement as to the percentage of the costs to be assessed against each particular lot or parcel within the proposed district.

(9) Notice shall be given and a hearing conducted in the manner provided in sections 50-1708 and 50-1709, Idaho Code. If, after such hearing, the council determines to create the district, it shall proceed as provided in this chapter for the creation of the district, the construction of the improvements, the preparation of, hearing upon, and confirmation of the assessment roll, the collection of assessments and the issuance of bonds or warrants. Each assessment shall be a lien upon the property against which it is assessed, as provided in section 50-1721, Idaho Code.

Approved March 2, 1987.

CHAPTER 27
(H.B. No. 137)

AN ACT

APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL ACCOUNT TO THE GENERAL ACCOUNT; APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 283, LAWS OF 1986; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Water Pollution Control Account to the General Account the sum of $100,000. The provisions of this appropriation specifically supersede the provisions of Section 39-3606, Idaho Code.

SECTION 2. In addition to the appropriation made by Section 1, Chapter 283, Laws of 1986, there is hereby appropriated to the Department of Commerce the following amount to be expended for the stated purpose from the listed account for the period July 1, 1986, through June 30, 1987:

FOR:

Development of the Superconducting Super Collider Proposal to be submitted to the U.S. Department of Energy $100,000

FROM:
General Account $100,000

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 2, 1987.

CHAPTER 28
(H.B. No. 138)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 283, LAWS OF 1986; 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 283, Laws of 1986, there is hereby appropriated to the Department of Commerce the following amount 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:				
General Account	$92,200	$232,800	$75,000	$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 March 2, 1987.

CHAPTER 29
(H.B. No. 91)

AN ACT

RELATING TO COUNTY RECORDER'S FEES; AMENDING SECTION 31-3205, IDAHO CODE, TO INCREASE CERTAIN RECORDER'S FEES.

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

SECTION 1. That Section 31-3205, Idaho Code, be, and the same is

hereby amended to read as follows:

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

For recording every instrument, paper or notice, for each page ..... $ 23.00

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 where more than one (1) 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 $101.00

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 ..... $ 23.00

For recording affidavit of labor of mining claims for one (1) mining claim ..... $ 34.00

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 $101.00

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 March 3, 1987.

CHAPTER 30
(H.B. No. 49)

AN ACT

RELATING TO DENTISTRY; AMENDING SECTION 54-901, IDAHO CODE, TO CORRECT SPELLING; REPEALING SECTIONS 54-903 AND 54-904, IDAHO CODE; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-903, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 9, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-904, IDAHO CODE, TO PROVIDE AUTHORIZATION FOR PROCEDURES PERFORMED BY DENTAL HYGIENISTS UNDER GENERAL SUPERVISION; AMENDING SECTION 54-905, IDAHO CODE, TO STRIKE OBSOLETE LANGUAGE; AMENDING SECTION 54-906, IDAHO CODE, TO FURTHER CLARIFY THE UNLAWFUL PRACTICE OF DENTAL HYGIENE; AMENDING SECTION 54-913, IDAHO CODE, TO NUMBER THE PARAGRAPHS; AMENDING SECTION 54-920, IDAHO CODE, TO PROVIDE FOR CONVERSION FROM RETIREMENT STATUS TO ACTIVE STATUS; AMENDING SECTION 54-924, IDAHO CODE, TO CLARIFY GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE AND TO RENUMBER THE PARAGRAPHS; AND AMENDING SECTION 54-934, IDAHO CODE, TO PROVIDE THAT EITHER THE BOARD OR THE ASSOCIATION OR BOTH MAY ESTABLISH PEER REVIEW COMMITTEES.

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

SECTION 1. That Section 54-901, Idaho Code, be, and the same is hereby amended to read as follows:

54-901. DEFINITION -- PRACTICE OF DENTISTRY. The practice of dentistry is the doing by one (1) person, for a direct or indirect consideration, of one or more of the following with respect to the teeth, gums, alveolar process, jaws, or adjacent tissues of another person, namely:

Examining for diagnosis, treatment, extraction, repair, replacement, substitution, or correction;

Diagnosing of disease, pain, injury, deficiency, deformity or physical condition;

Treating, operating, prescribing, extracting, repairing, taking impressions, fitting, replacing, substituting, or correcting;

Cleaning, polishing, or removing stains or concretions, or applying topical medication;

Administering anaesthetics or medicaments in connection with any of the foregoing.

The doing of any of the foregoing acts with respect to dental prosthetic appliances which requires or necessitates the presence, aid, assistance or cooperation of the person intended to be the user or wearer of such dental prosthetic appliance is hereby specifically defined as practicing dentistry and is not mere mechanical work upon inert matter in a dental laboratory as the term is used hereafter in this act.

SECTION 2. That Sections 54-903 and 54-904, Idaho Code, be, and

the same are hereby repealed.

SECTION 3. 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 54-903, Idaho Code, and to read as follows:

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

(1) "Association" means the Idaho state dental association and the Idaho dental hygienists' association.

(2) "Authorized medicaments" when used in the practice of dental hygiene are medicines or healing applications limited to topical anesthetics and anticariogenic legend drugs.

(3) "Board" means the state board of dentistry.

(4) "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 the dentist's direct supervision, and is adequately trained and qualified according to standards established by the board to perform the dental services permitted to be performed by assistants by this chapter and applicable rules and regulations of the board.

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

(6) "Dental specialist" is 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 his specialty and is a person both qualified and annually licensed by the laws of Idaho to practice dentistry.

(7) "Dentist" is a person both qualified and annually licensed by the laws of Idaho to practice dentistry.

(8) "Direct supervision" is 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 procedure is performed, and that before dismissal of the patient, a dentist approves the work performed by the auxiliary.

(9) "General supervision" is supervision of a dental hygienist requiring that a dentist authorize the procedure which is carried out, but not requiring that a dentist be in the office when the authorized procedure is performed.

(10) "Indirect supervision" is supervision of a dental hygienist requiring that a dentist authorize a procedure and that a dentist be in the dental office while the procedure is performed by the hygienist.

SECTION 4. 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 54-904, Idaho Code, and to read as follows:

54-904. AUTHORIZATION FOR PROCEDURES PERFORMED UNDER GENERAL SUPERVISION BY DENTAL HYGIENISTS -- PRIVATE OFFICE -- PUBLIC SETTING. A dental hygienist is authorized to practice under general supervision when:

(1) A licensed dentist has diagnosed the condition to be treated, determined the procedure to be performed, and has delegated with written orders to a qualified dental hygienist the performance of prescribed treatment; or

(2) A supervisory dentist has evaluated the dental health plan and has issued to a dental hygienist employed in a public health program, nursing home, public school or private school, written orders limited to any or all of the following procedures: oral prophylaxis, oral health screening, oral health education, and fluoride mouth rinse programs.

SECTION 5. That Section 54-905, Idaho Code, be, and the same is hereby amended to read as follows:

54-905. UNLAWFUL PRACTICE OF DENTISTRY. (1) Any person who shall practice, or shall in any manner hold himself out to any other person, or to the public, as qualified or licensed to practice~~,~~ dentistry, or who represents himself to be a dentist, within the state of Idaho, without at the time thereof being a dentist, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000), or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both~~:--provided,--however, that a dental hygienist may practice dental hygiene.~~

Each act of practice, or holding out, or representation, shall constitute a separate offense.

(2) Conviction under the provisions of this section shall not prevent issuance of injunction as in this act provided.

SECTION 6. That Section 54-906, Idaho Code, be, and the same is hereby amended to read as follows:

54-906. UNLAWFUL PRACTICE OF DENTAL HYGIENE. (1) Any person, not a dentist, who shall practice, or shall in any manner hold himself out to any other person, or to the public, as qualified or licensed to practice~~,~~ dental hygiene~~,--or--who represents himself to be a dental hygienist,~~ within the state of Idaho~~,~~ without at the time thereof being a licensed dental hygienist, or who performs any act, function, or service permitted a dental hygienist by this act without the supervision of a dentist as specified by the rules and regulations of the board, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars ~~($100.00)~~ nor more than three hundred dollars ~~($300.00)~~, or be imprisoned in the county jail for not less than thirty (30) days nor more than six (6) months, or both.

Each act of practice, or holding out, or representation shall constitute a separate offense.

(2) Conviction under the provisions of this section shall not

prevent issuance of injunction as in this act provided.

SECTION 7. That Section 54-913, Idaho Code, be, and the same is hereby amended to read as follows:

54-913. CERTIFICATES — LICENSES — RECORDS. (1) All certificates of qualification to practice dentistry or dental hygiene, and all annual licenses therefor shall be issued by the board in the name of the board, with the seal thereof attached.

(2) The board shall keep a record of all applicants for examination to qualify as a dentist or dental hygienist, of applicants rejected on application or examination with the reason for rejection, of certificates of qualification and of annual licenses issued, and of dentists and dental hygienists.

SECTION 8. 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 dollars ($100) 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 or dental hygiene 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 the license must be surrendered to the board in the event of the happening of a named contingency; in the event the holder fails to comply with requirements established by the board as conditions precedent to the issuance of 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. However, that absences from 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 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 (2)(d) 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.

(c) 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 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 to practice dentistry or dental hygiene in the state of Idaho. However, the board may convert a license with inactive status to a license with active status in the event the holder 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 and all rules and regulations promulgated under 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 outside the state of Idaho 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.

There is no conversion from retirement status to active status other than filing an application for examination as required of a first applicant.

SECTION 9. 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 provided by law in the event a dentist shall:

(~~a~~1) 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 by false, fraudulent or deceitful means or in any other name than his own true name; or

(~~b~~2) 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~~3) 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~~4) 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, ~~e~~ndorsements, 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~~5) 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. This shall not apply to teaching in dental or dental hygiene schools, or demonstrations or exhibitions before meetings of other dentists or dental hygienists; or

(~~f~~6) 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~~7) Advertise in such way as to deceive or defraud, or probably deceive or defraud, the public or patrons; or

(~~h~~8) 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. A dental assistant may not be

authorized to perform any of the following:

(~~1~~a) 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~~b) Removal of calculus deposits from natural tooth surfaces and the performance of soft tissue curettage procedures;

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

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

(~~5~~e) Interpreting radiographs;

(~~i~~9) Fail, neglect or refuse to keep his office or equipment, or otherwise conduct his work, in a thoroughly clean and sanitary condition; or

(~~j~~10) Violate any other provisions of 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 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~~11) Falsely identify ~~Hold~~ himself ~~out~~ to the public as a specialist in ~~the~~ a specialty areas of dentistry as defined by regulation.

SECTION 10. That Section 54-934, Idaho Code, be, and the same is hereby amended to read as follows:

54-934. PEER REVIEW COMMITTEES -- IMMUNITY FROM LIABILITY -- CONFIDENTIALITY OF RECORDS. (1) The state board of dentistry ~~and~~ or the Idaho state dental association or both 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 March 3, 1987.

CHAPTER 31
(H.B. No. 1)

AN ACT

RELATING TO SALES AND USE TAXES; REPEALING SECTIONS 63-3640 AND 63-3640A, IDAHO CODE; AMENDING SECTION 63-3619, IDAHO CODE, TO INCREASE THE RATE OF THE SALES TAX TO FIVE PER CENT; AMENDING SECTION 63-3621, IDAHO CODE, TO INCREASE THE USE TAX TO FIVE PER CENT, TO PROVIDE PROPER CODE REFERENCES, AND TO STRIKE OBSOLETE DATES; AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF SALES TAX REVENUES, AND TO STRIKE REFERENCE TO AN OBSOLETE REQUIREMENT; AND PROVIDING A SAVINGS CLAUSE.

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

SECTION 1. That Sections 63-3640 and 63-3640A, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Section 63-3619, Idaho Code, be, and the same is

hereby amended to read as follows:

63-3619. IMPOSITION AND RATE OF THE SALES TAX. An excise tax is hereby imposed upon each sale at retail at the rate of ~~four~~ five per cent (4~~5~~%) of the sales price of all property subject to taxation under this act and such amount shall be computed monthly on all sales at retail within the preceding month.

(a) The tax shall apply to, be computed on, and collected for all credit, instalment, conditional or similar sales at the time of the sale or, in the case of rentals, at the time the rental is charged.

(b) The tax hereby imposed shall be collected by the retailer from the consumer.

(c) The state tax commission shall provide schedules for collection of the tax on sales which involve a fraction of a dollar. The retailer shall calculate the tax upon the entire amount of the purchases of the consumer made at a particular time and not separately upon each item purchased. The retailer may retain any amount collected under the bracket system prescribed which is in excess of the amount of tax for which he is liable to the state during the period as compensation for the work of collecting the tax.

(d) It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that if added it or any part thereof will be refunded. Any person violating any provision of this section is guilty of a misdemeanor.

(e) The tax commission may by regulation provide that the amount collected by the retailer from the consumer in reimbursement of the tax be displayed separately from the list price, the price advertised in the premises, the marked price, or other price on the sales slip or other proof of sale.

(f) The tax imposed by this act shall apply to the sales of any tangible personal property to contractors purchasing such property for resale to the United States or for use in the performance of contracts with the United States.

SECTION 3. That Section 63-3621, Idaho Code, be, and the same is hereby amended to read as follows:

63-3621. IMPOSITION AND RATE OF THE USE TAX. An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property acquired on or after July 1, 1965, for storage, use, or other consumption in this state at the rate of ~~four~~ five per cent (4~~5~~%) of the value of the property, and a recent sales price shall be presumptive evidence of the value of the property.

(a) Every person storing, using, or otherwise consuming, in this state, tangible personal property is liable for the tax. His liability is not extinguished until the tax has been paid to this state except that a receipt from a retailer maintaining a place of business in this state or engaged in business in this state given to the purchaser is sufficient to relieve the purchaser from further liability for the tax

to which the receipt refers.

(b) Every retailer engaged in business in this state, and making sales of tangible personal property for the storage, use, or other consumption in this state, not exempted under section 63-3622, Idaho Code, shall, at the time of making the sales or, if storage, use or other consumption of the tangible personal property is not then taxable hereunder, at the time the storage, use or other consumption becomes taxable, collect the tax from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the state tax commission.

(c) The provisions of this section shall not apply when the retailer pays sales tax on the transaction and collects reimbursement for such sales tax from the customer.

(d) Every retailer engaged in business in this state or maintaining a place of business in this state shall register with the state tax commission and give the name and address of all agents operating in this state, the location of all distributions or sales houses or offices or other places of business in this state, and such other information as the state tax commission may require.

(e) For the purpose of the proper administration of this act and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person for delivery in this state is sold for storage, use, or other consumption in this state until the contrary is established. The burden of proving the contrary is upon the person who makes the sale unless he takes from the purchaser a certificate to the effect that the property is purchased for resale or rental.

The certificate relieves the person selling the property from the burden of proof only if taken in good faith from a person who is engaged in the business of selling or renting tangible personal property and who holds the permit provided for by section 63-3620, Idaho Code, and who, at the time of purchasing the tangible personal property, intends to sell or rent it in the regular course of business or is unable to ascertain at the time of purchase whether the property will be sold or will be used for some other purpose.

The certificate shall be signed by and bear the name and address of the purchaser, shall indicate the number of the permit issued to the purchaser, and shall indicate the amount and general character of the tangible personal property sold by the purchaser in the regular course of business. The certificate shall be substantially in such form as the state tax commission may prescribe.

(f) If a purchaser who gives a certificate makes any storage or use of the property other than retention, demonstration, or display while holding it for sale in the regular course of business, the storage or use is taxable as of the time the property is first so stored or used. If the sole use of the property, other than retention, demonstration or display in the regular course of business, is the rental of property while holding it for sale, the purchaser may elect to include in his sales at retail the total amount of the rental charge rather than the sale price of the property to him.

(g) If a purchaser gives a certificate with respect to the purchase of fungible goods and thereafter commingles these goods with

other fungible goods not so purchased but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales from the mass of commingled goods shall be deemed to be sales of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold.

(h) Any person violating any provisions of this section is guilty of a misdemeanor and punishable by a fine not in excess of one hundred dollars ($100), and each violation shall constitute a separate offense.

(i) It shall be presumed that tangible personal property shipped or brought to this state by the purchaser ~~after July 1, 1965~~ was purchased from a retailer ~~on or after July 1, 1965,~~ for storage, use or other consumption in this state.

(j) ~~On and after July 1, 1965, i~~It shall be presumed that tangible personal property delivered outside this state to a purchaser known by the retailer to be a resident of this state was purchased from a retailer for storage, use, or other consumption in this state. This presumption may be controverted by evidence satisfactory to the state tax commission that the property was not purchased for storage, use, or other consumption in this state.

(k) When the tangible personal property subject to use tax has been subjected to a general retail sales or use tax by another state of the United States at a rate equal to or greater than the rate of the Idaho tax, and evidence can be given of such payment, the property will not be subject to Idaho use tax. If the rate paid the other state was less, the property will be subject to use tax to the extent that the Idaho rate exceeds the rate of the other state. For the purposes of this subsection, a registration certificate or title issued by another state or subdivision thereof for a vehicle or trailer as defined in ~~section 49-101~~ title 49, Idaho Code, or a vessel as defined in section ~~49-3203~~ 67-7003, Idaho Code, shall be sufficient evidence of payment of a general retail sales or use tax.

(l) The use tax herein imposed shall not apply to the use by a nonresident of this state of a motor vehicle which is registered or licensed under the laws of the state of his residence and is not used in this state more than three (3) months, and which is not required to be registered or licensed under the laws of this state, or to the use of household goods, personal effects and private automobiles by a bona fide resident of this state, if such articles were acquired by such person in another state while a bona fide resident thereof and primarily for use outside this state and if such use was actual and substantial, but if an article was acquired less than three (3) months prior to the time he entered this state, it will be presumed that the article was acquired for use in this state and that its use outside this state was not actual and substantial.

SECTION 4. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter shall be distributed by the tax 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.

(b) Five hundred thousand dollars ($500,000) per year is continuously appropriated and shall be distributed to the permanent building account, provided by section 57-1108, Idaho Code.

(c) Four million eight hundred thousand dollars ($4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control account established by section 39-3605, Idaho Code.

(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 continuously appropriated and shall be paid 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 the capital reserve fund of the Idaho housing agency shall be repaid 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.

(e) ~~Seven-and-one-half~~ Six percent (~~7.5~~ 6.0%) is hereby appropriated and shall be paid to the county treasurer of each county in amounts to be determined as follows:

(1) Each taxing district other than school districts shall be entitled to a base share of sales tax moneys equal to the amount distributed to that district for the fourth calendar quarter of 1979. 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. The percentage so determined for each taxing district shall be applied each quarter to the 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) Whenever the amount of nonschool district sales tax moneys 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, in the following manner.

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 busi-

ness inventory in section 63-105Y, Idaho Code, for all counties in the state. The percentage so determined for each county shall be applied to the sales tax distributed under this subsection 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.

(f) One dollar ($1.00) on each application for certificate of title to a motor vehicle, or initial application for registration processed by the county assessor excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county in collecting such taxes, and shall be paid into the current expense fund of the county.

(g) ~~Six~~ Seven and ~~one~~ three-quarters per cent (~~6.25~~ 7.75%) is continuously appropriated and shall be distributed to the revenue sharing account which is created in the state operating fund, and the moneys in the revenue sharing account 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.

(h) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general account.

SECTION 5. All of the taxes, penalties and interest due and owing to the state of Idaho from the tax imposed in section 63-3640, Idaho Code, as that section existed prior to July 1, 1987, are moneys due and owing to the state of Idaho and may be collected under the provisions of chapter 36, title 63, Idaho Code.

Approved March 9, 1987.

CHAPTER 32
(H.B. No. 10, As Amended in the Senate)

AN ACT

RELATING TO LIQUOR BY THE DRINK LICENSES; AMENDING SECTIONS 23-903a AND 23-903b, IDAHO CODE, TO PROVIDE FOR THE INCLUSION OF CROSS-COUNTRY SKIING FACILITIES; AND AMENDING CHAPTER 9, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-952, IDAHO CODE, TO PROVIDE FOR LIQUOR BY THE DRINK LICENSES FOR CROSS-COUNTRY SKIING FACILITIES AND TO PERMIT LICENSING IF THE FACILITY IS SITUATED FIVE OR MORE MILES OUTSIDE THE CORPORATE LIMITS OF A CITY.

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

SECTION 1. That Section 23-903a, Idaho Code, be, and the same is hereby amended to read as follows:

23-903a. LICENSE TO RETAIL LIQUOR -- SKI RESORTS -- CROSS-COUNTRY SKIING FACILITIES. If the director determines that an applicant or applicants are qualified to receive a ski resort or cross-country skiing facility license, he shall notify the chairman of the board of county commissioners in the county in which ~~said~~ the ski resort or

cross-country skiing facility license is to be issued. The county commissioners shall, within fifteen (15) days after receipt of ~~said~~ notification from the director, approve or disapprove the issuance of ~~said~~ the license. In the event the county commissioners do not approve ~~said~~ the proposed license, ~~said~~ a license shall not be issued.

SECTION 2. That Section 23-903b, Idaho Code, be, and the same is hereby amended to read as follows:

23-903b. LICENSES ISSUED TO OWNERS, OPERATORS OR LESSEES OF GOLF COURSES, SKI RESORTS, CROSS-COUNTRY SKIING FACILITIES AND LAKE RESORTS --LIMITATIONS ON SALES OR TRANSFERS. No license issued to an owner, operator, or lessee of a ~~bona--fide~~ golf course, ski resort, cross-country skiing facility or lake resort, as defined in sections 23-903 ~~and~~ , 23-948 and 23-952, Idaho Code, shall be transferable to another location or facility.

SECTION 3. That Chapter 9, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-952, Idaho Code, and to read as follows:

23-952. CROSS-COUNTRY SKIING FACILITY -- LICENSING EVEN IF OUTSIDE CORPORATE LIMITS OF CITY. Nothing contained in law shall prohibit the issuance of a license to the owner, operator or lessee of an actual cross-country skiing facility if situated five (5) or more miles outside the corporate limits of a city. The provisions of section 23-910, Idaho Code, shall be applicable to licenses issued pursuant to this section. For the purposes of this section, a cross-country skiing facility shall comprise real property, open to the public, with not less than fifteen (15) miles of groomed cross-country skiing trails, and overnight accommodations for not less than twenty (20) persons. 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. Not more than one (1) licensed premises shall be permitted on any cross-country skiing facility or within the area comprising the facility.

Approved March 9, 1987.

CHAPTER 33
(H.B. No. 35)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3035, IDAHO CODE, TO PROVIDE THAT NO CREDIT SHALL BE ALLOWED FOR INCOME TAXES WITHHELD, UNLESS A CLAIM IS FILED WITHIN THREE YEARS OF THE DUE DATE OF THE RETURN IN RESPECT TO WHICH THE WITHHOLDING APPLIES.

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

SECTION 1. That Section 63-3035, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

(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 accord-

ance with the provisions of the Internal Revenue Code, the amount deducted therefrom in accordance with the provisions of this section, and such pertinent and necessary information as the state tax commission may require.

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

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

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

(e) Amounts deducted from wages of an employee during any calendar year in accordance with the provisions of this section shall be considered to be in part payment of the tax imposed on such employee for his tax year which begins within such calendar year and the return made by the employer under this subsection (e) shall be accepted by the state tax commission as evidence in favor of the employee of the amount so deducted from his wages. Where the total amount so deducted exceeds the amount of tax on the employee, based on his taxable income as computed under the provisions of this act, as the same has been or may hereafter be amended, or where his income is not taxable under this act, the state tax commission shall, after examining the annual return filed by the employee in accordance with this act, but not later than sixty (60) days after the filing of each return, refund the amount of the excess deducted. No credit or 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 March 9, 1987.

CHAPTER 34
(H.B. No. 47)

AN ACT

RELATING TO PROPERTY TAX VALUATION; AMENDING SECTION 63-707, IDAHO CODE, TO PROVIDE A WEIGHTED, THREE FACTOR APPORTIONMENT OF RAILROAD VALUE TO CONFIRM THE STATE TAX COMMISSION'S APPORTIONMENT PRACTICE FOR RAILROADS.

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

SECTION 1. That Section 63-707, Idaho Code, be, and the same is hereby amended to read as follows:

63-707. MANNER OF ASSESSMENT -- VALUATION. The state tax commission must assess all property which, under the provisions of this chapter, is to be assessed by it, at the meeting of the said commission convening on the second Monday of August in each year, and must complete the assessment of such property on the fourth Monday of August in that year. The said commission shall at such meeting ascertain and determine the assessed value of all such property in the state, except electric current transmission and distribution lines, and shall determine the total value, the number of miles and value per mile of each railroad, telegraph and telephone line, and pipeline for transportation of commodities, including water companies under the jurisdiction of the Idaho public utilities commission, in the state, the value, number of miles, and value per mile of such line in any

county into or through which the said line extends, and the value, number of miles and value per mile, of such line in any incorporated city, school district or other taxing district into or through which the said line extends. The value per mile of any except electric current transmission and distribution lines, and railroad lines, is to be determined by dividing the total value of such line within the state by the number of miles of such line within the state.

The said commission shall at such meeting ascertain and determine the assessed value of the electric current transmission and distribution lines in each county separately, and shall determine the total value, the number of miles and value per mile of each electric current transmission and distribution line and railroad line, in each county into or through which said line extends, and the value, number of miles and value per mile of such line in any incorporated city, school district or other taxing district into or through which the said line extends. The value per mile of electric current transmission and distribution lines is to be determined by dividing the total value of such line within each county by the number of miles of such line within said county, and all operating property of such electric current transmission and distribution lines shall be assessed as of and apportioned to the county in which the same is situated as a part of the transmission line in said county. The value per mile of railroad line is to be determined by apportionment of the total value of line within the state. The apportionment shall be based twenty percent (20%) on the ratio of line miles in the state to line miles in the county; forty percent (40%) on the ratio of net ton miles in the state to net ton miles in the county; and forty percent (40%) on the ratio of station revenues in the state to station revenues in the county. All operating property of the railroads shall be apportioned to the counties as part of the railroad line in the county. The apportionment for cities, school districts, and other taxing districts shall be the same as the apportionment among the counties.

If the property of any company assessable under this section is of such a nature that it cannot reasonably be apportioned on the basis of rail, wire, pipeline mileage, such as microwave and radio relay stations, the tax commission may adopt such other method or basis of apportionment to the county and taxing districts in which the property is situate as may be feasible and proper.

All property assessed as herein provided shall be valued as of the same time as other property in the state is valued, and the value of all franchises held by any person whose property has been assessed as herein provided shall be included in the value of such property.

In the event any provisions of ~~section 63-707, Idaho Code,~~ this section shall be finally judicially determined by the Idaho supreme court to be unconstitutional, a moratorium on the enforcement of any rights found to result from such finding of unconstitutionality shall be in effect until January 1 of the next succeeding year following the determination of unconstitutionality.

Approved March 9, 1987.

CHAPTER 35
(H.B. No. 181)

AN ACT

APPROPRIATING MONEYS TO CERTAIN REGULATORY BOARDS IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES IN ADDITION TO THE APPROPRIATION CONTAINED IN SECTION 1, CHAPTER 72, LAWS OF 1986; AND DECLARING AN EMERGENCY.

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

SECTION 1. In addition to the appropriation contained in Section 1, Chapter 72, Laws of 1986, there is hereby appropriated to the following Regulatory Board in the Department of Self-governing Agencies 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, 1986, through June 30, 1987:

PROGRAM	FOR PERSONNEL COSTS	TOTAL
A. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:		
FROM:		
Public Works Contractors State License Board Account	$4,200	$4,200

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

Approved March 9, 1987.

CHAPTER 36
(S.B. No. 1048)

AN ACT

RELATING TO SERVICE OF PROCESS IN CHILD SUPPORT MATTERS; AMENDING CHAPTER 5, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-518, IDAHO CODE, TO PROVIDE FOR SERVICE OF PROCESS IN ACTIONS TO ESTABLISH OR ENFORCE A SUPPORT OBLIGATION.

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

SECTION 1. That Chapter 5, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-518, Idaho Code, and to read as follows:

5-518. SERVICE OF PROCESS IN CHILD SUPPORT MATTERS. Service of process in an action to establish or enforce a support obligation may be made in the manner prescribed for service of process in a civil action by a duly authorized process server, or by certified mail, return receipt requested. Any uninterested party over the age of eighteen (18) including, but not necessarily limited to, employees of the bureau of child support enforcement and employees of the county prosecuting attorney's office, may serve such process. For the purposes of this section, service by mail shall be completed upon the obligor's receipt of such certified mail. The party or attorney making service by certified mail shall make a return certificate indicating that he complied with the provisions of this statute and attaching a receipt of the mailing signed by the obligor.

Approved March 10, 1987.

CHAPTER 37
(S.B. No. 1049)

AN ACT

RELATING TO SWIMMING POOLS; AMENDING CHAPTER 58, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-5801, IDAHO CODE, TO PROVIDE WHEN THE USE OF A LIFE JACKET OR OTHER FLOTATION DEVICE SHALL NOT BE PROHIBITED IN A SWIMMING POOL, AND TO PROVIDE PENALTIES.

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

SECTION 1. That Chapter 58, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-5801, Idaho Code, and to read as follows:

18-5801. USE OF A LIFE JACKET OR FLOTATION DEVICE IN A SWIMMING POOL. No person shall prohibit the use of a life jacket or other flotation device in a swimming pool by an individual who, as evidenced by a statement signed by a licensed physician, suffers from a physical disability or condition which necessitates the use of the life jacket or other flotation device. Any person violating the provisions of this section shall be guilty of a misdemeanor.

Approved March 10, 1987.

CHAPTER 38
(S.B. No. 1071)

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING SECTION 37-2705, IDAHO CODE, TO INCLUDE AN ADDITIONAL SUBSTANCE; AND AMENDING SECTION 37-2707, IDAHO CODE, TO INCLUDE AN ADDITIONAL SUBSTANCE AND TO MAKE GRAMMATICAL CHANGES.

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-methylenedioxymethamphetamine (MDMA)
(8) 3,4,5-trimethoxy amphetamine;
(~~8~~9) Bufotenine;
(9~~1~~0) Diethyltryptamine;
(1~~0~~1) Dimethyltryptamine;
(1~~1~~2) Ibogaine;
(1~~2~~3) Lysergic acid diethylamide;
(1~~3~~4) Marihuana;
(1~~4~~5) Mescaline;
(1~~5~~6) Parahexyl;
(1~~6~~7) Peyote;
(1~~7~~8) N-ethyl-3-piperidyl benzilate;
(1~~8~~9) N-methyl -3- piperidyl benzilate;
(~~1~~9~~2~~0) Psilocybin;
(2~~0~~1) Psilocyn;
(2~~1~~2) Tetrahydrocannabinols. Synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following;

Δ1 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.

Δ6 cis or trans tetrahydrocannabinol, and their optical isomers. Δ3,4 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.)

(2~~2~~3) Thiophene analog of phencyclidine (1-(1-(2-thienyl)cyclohexyl) piperidine, 2-thienylanalog of phencyclidine, TPCP, TCP;

(2~~3~~4) Ethylamine analog of phencyclidine (N-ethyl -1-phenylcyclohexylamine (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;

(2~~4~~5) 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-phenylpropanamide (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-phenylpropanamide (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

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) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a U. S. food and drug administration approved drug product (21 C.F.R. 1308.12 (f).

(g) 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).

Approved March 10, 1987.

CHAPTER 39
(S.B. No. 1073)

AN ACT

RELATING TO BOISE JUNIOR COLLEGE DISTRICT; REPEALING SECTION 33-4006, IDAHO CODE, WHICH CALLS FOR BOISE JUNIOR COLLEGE DISTRICT TO REMAIN A JUNIOR COLLEGE DISTRICT UNTIL ALL BONDS ARE RETIRED.

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

SECTION 1. That Section 33-4006, Idaho Code, be, and the same is hereby repealed.

Approved March 10, 1987.

CHAPTER 40
(S.B. No. 1101)

AN ACT

RELATING TO DEVELOPMENTALLY DISABLED PERSONS AND FITNESS TO STAND TRIAL; AMENDING SECTION 18-211, IDAHO CODE, TO PROVIDE FOR EXAMINATION OF DEFENDANTS SUSPECTED OF BEING DEVELOPMENTALLY DISABLED AND TO PROVIDE FOR CONSENT TO BE GIVEN IF THE DEFENDANT LACKS CAPACITY TO MAKE INFORMED DECISIONS; AMENDING SECTION 18-212, IDAHO CODE, TO EXPAND THE DEFINITION OF FACILITY, TO PROVIDE FOR INVOLUNTARY COMMITMENT PROCEEDINGS FOR DEVELOPMENTALLY DISABLED PERSONS, TO PROVIDE FOR REVIEW OF COMMITMENTS BY THE DEPARTMENT OF HEALTH AND WELFARE, AND TO PROVIDE WHEN CRIMINAL PROCEEDINGS AGAINST A DEVELOPMENTALLY DISABLED DEFENDANT MAY RESUME.

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

SECTION 1. That Section 18-211, Idaho Code, be, and the same is hereby amended to read as follows:

18-211. EXAMINATION OF DEFENDANT -- APPOINTMENT OF PSYCHIATRISTS AND LICENSED PSYCHOLOGISTS -- HOSPITALIZATION -- REPORT. (1) Whenever there is reason to doubt the defendant's fitness to proceed as set forth in section 18-210, Idaho Code, the court shall appoint at least one (1) qualified psychiatrist or licensed psychologist or shall request the director of the department of health and welfare to designate at least one (1) qualified psychiatrist or licensed psychologist to examine and report upon the mental condition of the defendant to assist counsel with defense or understand the proceedings. The costs of examination shall be paid by the defendant if he is financially able. The determination of ability to pay shall be made in accordance with chapter 8, title 19, Idaho Code.

(2) Within three (3) days, excluding Saturdays, Sundays and legal

holidays, of the appointment or designation, the examiner shall determine the best location for the examination. If practical, the examination shall be conducted locally on an outpatient basis.

(3) If the examiner determines that confinement is necessary for purposes of the examination, the court may order the defendant to be confined to a jail, a hospital, or other suitable facility for that purpose for a period not exceeding thirty (30) days. The order of confinement shall require the county sheriff to transport the defendant to and from the facility and shall notify the facility of any known medical, behavioral, or security requirements of the defendant. The court, upon request, may make available to the examiner any court records relating to the defendant.

(4) In such examination any method may be employed which is accepted by the examiner's profession for the examination of those alleged not to be competent to assist counsel in their defense.

(5) Upon completion of the examination a report shall be submitted to the court and shall include the following:

(a) a description of the nature of the examination;

(b) a diagnosis or evaluation of the mental condition of the defendant;

(c) an opinion as to the defendant's capacity to understand the proceedings against him and to assist in his own defense;

(d) when directed by the court, an opinion as to the capacity of the defendant to form mens rea or a particular state of mind which is an element of the offense charged.

(6) If the examination cannot be conducted by reason of the unwillingness of the defendant to participate therein, the report shall so state and shall include, if possible, an opinion as to whether such unwillingness of the defendant was the result of mental disease or defect.

(7) The report of the examination shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant.

(8) When the defendant wishes to be examined by an expert of his own choice, such examiner shall be permitted to have reasonable access to the defendant for the purpose of examination.

(9) In addition to the psychiatrist or licensed psychologist, the court may appoint additional experts to examine the defendant. In the event a defendant is suspected of being developmentally disabled, the examination shall proceed with those experts set out in subsection (6) of section 66-402, Idaho Code.

(10) If the defendant lacks capacity to make informed decisions about treatment, as defined in section 66-317(i), Idaho Code, the court may authorize consent to be given pursuant to section 66-322, Idaho Code. If the defendant lacks capacity to make informed decisions as defined in subsection (8) of section 66-402, Idaho Code, the court may authorize consent to be given pursuant to sections 66-404 and 66-405, Idaho Code.

(11) If the defendant was confined solely for the purpose of examination, he shall be released from the facility within three (3) days, excluding Saturdays, Sundays and legal holidays following notification of completion of the examination.

SECTION 2. That Section 18-212, Idaho Code, be, and the same is hereby amended to read as follows:

18-212. DETERMINATION OF FITNESS OF DEFENDANT TO PROCEED -- SUSPENSION OF PROCEEDING AND COMMITMENT OF DEFENDANT -- POSTCOMMITMENT HEARING. (1) When the defendant's fitness to proceed is drawn in question, the issue shall be determined by the court. If neither the prosecuting attorney nor counsel for the defendant contests the finding of the report filed pursuant to section 18-211, Idaho Code, the court may make the determination on the basis of such report. If the finding is contested, the court shall hold a hearing on the issue. If the report is received in evidence upon such hearing, the party who contests the finding thereof shall have the right to summon and to cross-examine the psychiatrist or licensed psychologist who submitted the report and to offer evidence upon the issue.

(2) If the court determines that the defendant lacks fitness to proceed, the proceeding against him shall be suspended, except as provided in subsections (4) and (5) of this section, and the court shall commit him to the custody of the director of the department of health and welfare for care and treatment at an appropriate facility of the department of health and welfare or if the defendant is found to be dangerously mentally ill as defined in section 66-1305, Idaho Code, to the department of correction for a period not exceeding ninety (90) days. For purposes of this section "facility" shall mean a state hospital, institution ~~or~~, mental health center, or those facilities enumerated in subsection (7) of section 66-402, Idaho Code, equipped to evaluate or rehabilitate such defendants. The order of commitment shall require the county sheriff to transport the defendant to and from the facility and require an evaluation of the defendant's mental condition at the time of admission to the facility, and a progress report on the defendant's mental condition. The progress report shall include an opinion whether the defendant is fit to proceed, or if not, whether there is a substantial probability the defendant will be fit to proceed within the foreseeable future. If the report concludes that there is a substantial probability that the defendant will be fit to proceed in the foreseeable future, the court may order the continued commitment of the defendant for an additional one hundred eighty (180) days. If at any time the director of the facility to which the defendant is committed determines that the defendant is fit to proceed, such determination shall be reported to the court.

(3) Each report shall be filed in triplicate with the clerk of the court, who shall cause copies to be delivered to the prosecuting attorney and to counsel for the defendant. Upon receipt of a report, the court shall determine, after a hearing if a hearing is requested, the disposition of the defendant and the proceedings against him. If the court determines that the defendant is fit to proceed, the proceeding shall be resumed. If at the end of the initial ninety (90) days the court determines that the defendant is unfit and there is not a substantial probability the defendant will be fit to proceed within the foreseeable future or if the defendant is not fit to proceed after the expiration of the additional one hundred eighty (180) days

involuntary commitment proceedings shall be instituted pursuant to either section 66-329 or section 66-406, Idaho Code, in the court in which the criminal charge is pending.

(4) In its review of commitments pursuant to section 66-337, Idaho Code, the department of health and welfare shall determine whether the defendant is fit to proceed with trial. The department of health and welfare shall review its commitments pursuant to chapter 4, title 66, Idaho Code, and may recommend that the defendant is fit to proceed with trial. If the district court which committed the defendant pursuant to section 66-406, Idaho Code, agrees with the department's recommendation and finds the conditions which justified the order pursuant to section 66-406, Idaho Code, do not continue to exist, criminal proceedings may resume. If the defendant is fit to proceed the court in which the criminal charge is pending shall be notified and the criminal proceedings may resume. If, however, the court is of the view that so much time has elapsed, excluding any time spent free from custody by reason of the escape of the defendant, since the commitment of the defendant that it would be unjust to resume the criminal proceeding, the court may dismiss the charge.

(5) If a defendant escapes from custody during his confinement, the director shall immediately notify the court from which committed, the prosecuting attorney and the sheriff of the county from which committed. The court shall forthwith issue an order authorizing any health officer, peace officer, or the director of the institution from which the defendant escaped, to take the defendant into custody and immediately return him to his place of confinement.

Approved March 10, 1987.

CHAPTER 41
(S.B. No. 1129)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 164, LAWS OF 1986; 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 164, Laws of 1986, there is hereby appropriated to the Department of Labor and Industrial Services the following amounts to be expended for the named program according to the designated expense class from the listed accounts for the period July 1, 1986, through June 30, 1987:

PROGRAM

A. ADMINISTRATION

FOR:

Operating Expenditures	$13,200

FROM:

Electrical Board Account	6,000
Plumbing Board Account	3,500
Idaho Building Code Account	3,700
Total	$13,200

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

Approved March 10, 1987.

CHAPTER 42
(S.B. No. 1152)

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 155, LAWS OF 1986; APPROPRIATING AND TRANSFERRING MONEYS FROM THE PUBLIC UTILITIES COMMISSION ACCOUNT TO 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 2, Chapter 155, Laws of 1986, there is hereby appropriated to the Public Utilities Commission the following amount to be expended for the Administration Program according to the designated expense class from the listed account for the period July 1, 1986, through June 30, 1987:

FOR:

Personnel Costs	$9,000

FROM:

General Account	$9,000

SECTION 2. 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 $9,000 for fiscal year 1987 only.

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

Approved March 10, 1987.

CHAPTER 43
(S.B. No. 1156)

AN ACT

APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR THE STATE LEGAL SERVICES PROGRAM IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 279, LAWS OF 1986; 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 279, Laws of 1986, there is hereby appropriated to the Attorney General for the State Legal Services Program the following amount to be expended according to the designated expense class from the listed account for the period July 1, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$72,300
FROM:	
Interagency Billing and Receipts Account	$72,300

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 March 10, 1987.

CHAPTER 44
(S.B. No. 1157)

AN ACT

AMENDING SECTION 2, CHAPTER 263, LAWS OF 1986, RELATING TO THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 2, Chapter 263, Laws of 1986, 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, 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	~~5,207,400~~	5,237,400
Interagency Billing and Receipts Account	~~80,600~~	180,600
TOTAL	~~$7,020,500~~	7,070,500
FOR:		
Personnel Costs		$2,696,200
Operating Expenditures		616,000
Capital Outlay		25,000
Trustee and Benefit Payments	~~3,603,300~~	3,733,300
TOTAL	~~$7,020,500~~	7,070,500
GRAND TOTAL	~~$7,364,800~~	7,414,800

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 10, 1987.

CHAPTER 45
(S.B. No. 1158)

AN ACT

APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 159, LAWS OF 1986; 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 159, Laws of 1986, there is hereby appropriated to the Idaho Transportation Department the following amount to be expended for the named program according to the designated expense classes from the listed account for the period July 1, 1986, through June 30, 1987:

A. GENERAL SUPPORT:

FOR:	
Personnel Costs	$48,100
Operating Expenses	19,000
TOTAL	$67,100
FROM:	
State Highway Account	$67,100

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

Approved March 10, 1987.

CHAPTER 46
(H.B. No. 112)

AN ACT

RELATING TO THE PRACTICE OF PHYSICAL THERAPY; AMENDING SECTION 54-2203, IDAHO CODE, TO PROVIDE AN ADDITIONAL DEFINITION; AND AMENDING SECTION 54-2213, IDAHO CODE, TO PROVIDE CONDITIONS FOR THE REVOCATION OR SUSPENSION OF A LICENSE.

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

SECTION 1. That Section 54-2203, Idaho Code, be, and the same is hereby amended to read as follows:

54-2203. DEFINITIONS. In this chapter, unless the context otherwise requires:

(a) "Physical therapy" means the examination, treatment, and instruction of human beings to detect, assess, prevent, correct, alleviate and limit physical disability, bodily malfunction, and pain from injury, disease and any other bodily and mental conditions, and includes the administration, interpretation, and evaluation of tests and measurements of bodily functions and structures; the planning, administration, evaluation, and modification of treatment and instruction, including the use of physical measures, activities, and devices, for preventive and therapeutic purposes; and the provision of consultative, educational, and other advisory services for the purpose of reducing the incidence and severity of physical disability, bodily malfunction, and pain. Physical therapy does not include the use of radiology, surgery, or medical diagnosis of disease.

(b) "Physical therapist" means a person who practices physical therapy.

(c) "Physical therapist assistant" means a person who assists in the practice of physical therapy and whose activities require an understanding of physical therapy but do not require professional or advanced training in the anatomical, biological and physical sciences involved in the practice of physical therapy.

(d) "Board" means the state board of medicine.

SECTION 2. That Section 54-2213, Idaho Code, be, and the same is hereby amended to read as follows:

54-2213. REFUSAL TO RENEW -- REVOCATION OR SUSPENSION OF REGISTRATION AND OTHER DISCIPLINARY AUTHORITY. The board shall have the

power to refuse to renew or to revoke or suspend the certificate of registration of any physical therapist or physical therapist assistant:

(a) Who is habitually drunk or addicted to the use of narcotic drugs; or

(b) Who has been convicted of violating any state or federal narcotic law; or

(c) Who has been convicted of any crime involving moral turpitude; or

(d) Who is found guilty of unprofessional conduct or of gross negligence in his practice as a physical therapist or physical therapist assistant; or

(e) Who ~~has treated, or has undertaken or attempted to treat, any ailment of any human being otherwise than by physical therapy and as authorized by this chapter, or who has practiced or undertaken to practice physical therapy independently of the prescription and direction of a person licensed to practice as a physician and surgeon, dentist, podiatrist, or osteopathic physician in this state or any other state~~ practices physical therapy and fails to refer to a licensed medical physician, osteopathic physician, podiatrist, or dentist, any patient whose medical condition should have, at the time of evaluation or treatment, been determined to be beyond the scope of practice of a physical therapist; or

(f) Who, in the case of practice as a physical therapist assistant, has practiced other than under the direction of a registered physical therapist. In addition, the board shall have the authority to investigate or inquire into any misconduct or unprofessional behavior, whether real, apparent or merely suspected; and take such action with respect thereto as it deems to be in the best interest of the public.

Approved March 13, 1987.

CHAPTER 47
(S.B. No. 1159)

AN ACT

APPROPRIATING MONEYS TO THE STATE TREASURER IN ADDITION TO THE APPROPRIATION MADE BY SECTION 1, CHAPTER 347, LAWS OF 1986; 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 347, Laws of 1986, there is hereby appropriated to the State Treasurer the following amount to be expended according to designated expense classes from the listed account for the period July 1, 1986, through June 30, 1987:

FOR:	
Personnel Costs	$ 7,000
Operating Expenditures	5,000
TOTAL	$12,000
FROM:	
Interagency Billing and Receipts Account	$12,000

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 13, 1987.

CHAPTER 48
(S.B. No. 1016)

AN ACT

RELATING TO POWERS OF THE STATE BOARD OF EDUCATION OVER COMMUNITY COLLEGES; AMENDING SECTION 33-107, IDAHO CODE, TO PROVIDE ADDITIONAL POWERS OF THE STATE BOARD OF EDUCATION OVER CERTAIN COURSES AND PROGRAMS OF STUDY OFFERED AT COMMUNITY COLLEGES; AND AMENDING SECTION 33-2102, IDAHO CODE, TO PROVIDE THAT ACADEMIC COURSES AND THE INSTRUCTION THEREIN GIVEN AT COMMUNITY COLLEGES SHALL BE OF THE SAME STANDARD AS THOSE COURSES ARE GIVEN AND TAUGHT IN THE FIRST TWO YEARS OF ANY OTHER STATE INSTITUTION OF HIGHER EDUCATION AND THAT CREDITS FROM THE COMMUNITY COLLEGE SHALL BE ACCEPTED BY OTHER STATE INSTITUTIONS FOR CREDIT TOWARD A BACCALAUREATE DEGREE, AND TO DELETE ARCHAIC LANGUAGE.

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 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 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;~~

(8) approve new courses and programs of study to be offered at community colleges organized pursuant to chapter 21, title 33, Idaho Code, when the courses or programs of study are academic in nature and the credits derived therefrom are intended to be transferable to other state institutions of higher education for credit toward a baccalaureate degree, and when the courses or programs of study have been authorized by the board of trustees of the community college.

SECTION 2. That Section 33-2102, Idaho Code, be, and the same is hereby amended to read as follows:

33-2102. COURSES OF STUDY. A ~~junior~~ community college established pursuant to the provisions of this chapter shall give instruction in academic subjects, and in such nonacademic subjects as shall be authorized by its board of trustees.

The academic courses given and the instruction therein shall be~~, as-nearly-as-practicable,~~ of the same standard as the same are given and taught in the first two (2) years of any other state institution

of higher education, and credits therefor shall be accepted by ~~such~~ other state institutions for credit toward a baccalaureate degree.

~~Except as may be approved by the state board of education, no academic or nonacademic courses shall require more than two (2) years in such junior college.~~

Approved March 16, 1987.

CHAPTER 49
(S.B. No. 1065)

AN ACT

RELATING TO WORKMEN'S COMPENSATION BENEFITS; AMENDING SECTION 72-102, IDAHO CODE, TO INCREASE BURIAL EXPENSES FROM ONE THOUSAND FIVE HUNDRED DOLLARS TO THREE THOUSAND DOLLARS.

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

SECTION 1. That Section 72-102, Idaho Code, be, and the same is hereby amended to read as follows:

72-102. DEFINITIONS. Words and terms used in the workmen's compensation law, unless the context otherwise requires, are defined in the subsections which follow.

(1) "Alien" means a person who is not a citizen, a national or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien.

(2) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this law.

(3) "Burial expenses" means a sum, not to exceed ~~one~~ three thousand ~~five hundred~~ dollars (~~$1,500~~3,000) for funeral and burial or cremation, together with the actual expenses of transportation of the employee's body to his place of residence within the United States or Canada.

(4) "Commission" means the industrial commission.

(5) "Compensation" used collectively means any or all of the income benefits and the medical and related benefits and medical services.

(6) "Death" means death resulting from an injury or occupational disease.

(7) Dependency limitations.

(a) "Adopted" and "adoption" include cases where persons are treated as adopted as well as those of legal adoption unless legal adoption is specifically provided.

(b) "Brother" and "sister" include stepbrothers and stepsisters, half brothers and half sisters, and brothers and sisters by adoption.

(c) "Child" includes adopted children, posthumous children, and acknowledged illegitimate children, but does not include stepchildren unless actually dependent.

(d) "Grandchild" includes children of legally adopted children and children of stepchildren, but does not include stepchildren of children, stepchildren of stepchildren, or stepchildren of adopted children unless actually dependent.

(e) "Parent" includes stepparents and parents by adoption.

(f) "Grandparent" includes parents of parents by adoption, but does not include parents of stepparents, stepparents of parents, or stepparents of stepparents.

(8) "Disability," for purposes of determining total or partial temporary disability income benefits, means a decrease in wage-earning capacity due to injury or occupational disease, as such capacity is affected by the medical factor of physical impairment, and by pertinent nonmedical factors as provided in section 72-430, Idaho Code.

(9) "Employee" is synonymous with "workman" and means any person who has entered into the employment of, or who works under contract of service or apprenticeship with, an employer. It does not include any person engaged in any of the excepted employments enumerated in section 72-212, Idaho Code, unless an election as provided in section 72-213, Idaho Code, has been filed. Any reference to an employee who has been injured shall, where the employee is dead, include a reference to his dependents as herein defined, if the context so requires, or, where the employee is a minor or incompetent, to his committee or guardian or next friend.

(10) "Employer" means any person who has expressly or impliedly hired or contracted the services of another. It includes contractors and subcontractors. It includes the owner or lessee of premises, or other person who is virtually the proprietor or operator of the business there carried on, but who, by reason of there being an independent contractor or for any other reason, is not the direct employer of the workmen there employed. If the employer is secured, it means his surety so far as applicable.

(11) "Gender and number." The masculine gender includes the feminine and neuter; "husband" or "wife" includes "spouse"; the singular number includes plural and the plural the singular.

(12) "Income benefits" means payments provided for or made under the provisions of this law to the injured employee disabled by an injury or occupational disease, or his dependents in case of death, excluding medical and related benefits.

(13) "Independent contractor" means any person who renders service for a specified recompense for a specified result, under the right to control or actual control of his principal as to the result of his work only and not as to the means by which such result is accomplished.

(14) "Injury" and "accident."

(a) "Injury" means a personal injury caused by an accident arising out of and in the course of any employment covered by the workmen's compensation law.

(b) "Accident" means an unexpected, undesigned, and unlooked for mishap, or untoward event, connected with the industry in which it

occurs, and which can be reasonably located as to time when and place where it occurred, causing an injury.

(c) "Injury" and "personal injury" shall be construed to include only an injury caused by an accident, which results in violence to the physical structure of the body. The terms shall in no case be construed to include an occupational disease and only such nonoccupational diseases as result directly from an injury.

(15) "Medical and related benefits" means payments provided for or made for medical, hospital, burial and other services as provided in this law other than income benefits.

(16) "Medical services" means medical, surgical, dental or other attendance or treatment, nurse and hospital service, medicines, apparatus, appliances, prostheses, and related services, facilities and supplies.

(17) "Occupational diseases."

(a) "Occupational disease" means a disease due to the nature of an employment in which the hazards of such disease actually exist, are characteristic of, and peculiar to the trade, occupation, process, or employment.

(b) "Contracted" and "incurred," when referring to an occupational disease, shall be deemed the equivalent of the term "arising out of and in the course of" employment.

(c) "Disablement," except in the case of silicosis, means the event of an employee's becoming actually and totally incapacitated because of an occupational disease from performing his work in the last occupation in which injuriously exposed to the hazards of such disease, and "disability" means the state of being so incapacitated.

(d) "Disablement," in the case of silicosis, means the event of first becoming actually incapacitated, because of such disease, from performing any work in any remunerative employment; and "disability" means the state of being so incapacitated.

(e) "Silicoses" means the characteristic fibrotic condition of the lungs caused by the inhalation of silicon dioxide (SiO_2) dust.

(18) "Outworker" means a person to whom articles or materials are furnished to be treated in any way on premises not under the control or management of the person who furnished them.

(19) "Person" means the state or any political subdivision thereof, or any individual, partnership, firm, association, trust, corporation, including the state insurance fund, or any representative thereof.

(20) "Physician" means medical physicians and surgeons, ophthalmologists, otorhinolaryngologists, dentists, osteopaths, osteopathic physicians and surgeons, optometrists, podiatrists, chiropractic physicians, and members of any other healing profession licensed or authorized by the statutes of this state to practice such profession within the scope of their practice as defined by the statutes of this state and as authorized by their licenses.

(21) "Secretary" means the secretary of the commission.

(22) "Self-insurer" means an employer who has been authorized under the provisions of this law to carry his own liability to his employees covered by this law.

(23) "State" includes any state, district, commonwealth, zone or territory of the United States or any province of Canada.

(24) "Surety" means any insurer authorized to insure or guarantee payment of workmen's compensation liability of employers in any state; it also includes the state insurance fund, a self-insurer and an inter-insurance exchange.

(25) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone and the territories of the United States.

(26) "Wages" and "wage earning capacity" prior to the injury or disablement from occupational disease means the employee's money payments for services as calculated under section 72-419, Idaho Code, and shall additionally include the reasonable market value of board, rent, housing, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as part of his remuneration, and gratuities received in the course of employment from others than the employer. "Wages" shall not include sums which the employer has paid to the employee to cover any special expenses entailed on him by the nature of his employment.

(27) "Wages" and "wage earning capacity" after the injury or disablement from occupational disease shall be presumed to be the actual earnings after the injury or disablement, which presumption may be overcome by showing that those earnings do not fairly and reasonably represent wage earning capacity; in such a case wage earning capacity shall be determined in the light of all factors and circumstances which may affect the worker's capacity to earn wages.

(28) "Workmen's compensation law" means and includes the workmen's compensation law of this state and any like or similar law of any state, United States, territory, or province of Canada.

Approved March 16, 1987.

CHAPTER 50
(S.B. No. 1072)

AN ACT

RELATING TO THE RESIDENCY REQUIREMENT FOR STUDENTS WHO APPLY FOR SPECIAL GRADUATE AND PROFESSIONAL PROGRAMS; AMENDING SECTION 33-3717, IDAHO CODE, TO CHANGE THE RESIDENCY REQUIREMENT FROM FIVE YEARS TO ONE YEAR.

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 purposes of attending a college or university.

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

(f) A student 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~~ one (~~5~~ 1) 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 16, 1987.

CHAPTER 51
(S.B. No. 1089)

AN ACT

RELATING TO THE ISSUANCE OF BONDS BY SCHOOL DISTRICTS; AMENDING SECTION 33-1111, IDAHO CODE, TO CHANGE THE PUBLICATION PERIOD NOTICE OF THE SALE OF BONDS FROM FOUR WEEKS TO ONE WEEK; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1111, Idaho Code, be, and the same is hereby amended to read as follows:

33-1111. SALE OF BONDS. The board of trustees shall give notice of its intent to sell a bond issue.

The notice shall be published once in a newspaper published in this state, ~~once each week for four (4) consecutive weeks~~ at least one (1) week prior to the day bids are opened. Said notice shall describe the issue of bonds; shall state that the board of trustees will receive sealed bids until a specified day and hour; and that said bids will be opened at a regular or special meeting of the board at a time and place to be named in the notice. Said notice may require such deposits of forfeits as the board may deem necessary.

At the meeting held at the time and place named in the notice, the board of trustees shall open the bids, and may sell the same to whomever shall make the bid most advantageous to the school district, and the deposits of the unsuccessful bidders shall thereupon be returned to them. Should the successful bidder fail or refuse to tender payment of the amount required for the purchase of the issue within ten (10) days after tender to him of the executed bonds and a certified copy of the bond proceedings, his deposit shall be forfeited; and the board may in its judgment accept the bid next most advantageous, or ~~re-advertise~~ readvertise the issue as before.

The board of trustees may reject any or all bids, and sell the bonds at private sale when this ~~be~~ is found to be in the best interest of the district.

No school bond shall at any time be sold at less than its par value.

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

Approved March 16, 1987.

CHAPTER 52
(S.B. No. 1090)

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-802, IDAHO CODE, TO ADD PARAGRAPH HEADINGS, TO CLARIFY THE DETERMINATION OF MARKET VALUATION FOR ASSESSMENT PURPOSES FOR THE PREVIOUS YEAR AND EXEMPT THAT PART OF THE GENERAL SCHOOL LEVY THAT IS UTILIZED IN DETERMINING THE LOCAL DISTRICT CONTRIBUTION CALCULATION FROM THE LIMITATION IMPOSED BY SECTION 63-923(1), IDAHO CODE, AND FROM THE PROVISIONS OF SECTION 63-2220, IDAHO CODE; AND AMENDING SECTION 33-1002, IDAHO CODE, TO CLARIFY THE DETERMINATION OF MARKET VALUATION FOR ASSESSMENT PURPOSES FOR THE PREVIOUS YEAR.

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

SECTION 1. That Section 33-802, Idaho Code, be, and the same is hereby amended to read as follows:

33-802. GENERAL SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine the levies upon each dollar of taxable property in the district for the ensuing fiscal year as follows:

1. Bond, Interest and Judgment Obligations. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations, which levies shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

2. General School Maintenance and Operation. Such levies, not exceeding the greater of:

(a) An amount equal to four-tenths of one percent (.4%) applied to the adjusted market value for assessment purposes of the district ~~for~~ as such valuation existed on December 31 of the previous year, but allowances necessary as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, shall not be included in such four-tenths of one percent (.4%), or

(b) Four-tenths of one percent (.4%) applied to the actual market value for assessment purposes of the district ~~for~~ as such valuation existed on December 31 of the previous year, but allowances necessary as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, shall not be included in such four-tenths of one percent (.4%), as shall be necessary to pay all other lawful expense of maintaining and operating the schools of the district and for the payment of tuition and transportation.

3. Supplemental Maintenance and Operation. No levy in excess of the levy permitted by paragraph 2 shall be made for the purposes of paragraph 2 of this section by a noncharter school district unless such a supplemental levy in a specified amount be first authorized through an election held pursuant to sections 33-401--33-406, Idaho Code, and approved by a majority of the district electors voting in such election, which supplemental levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the

provisions of section 63-2220, Idaho Code.

4. Charter District Supplemental Maintenance and Operation. The privilege of a charter notwithstanding, all charter districts shall limit the ad valorem portion of the budget request for operating purposes to the limitation required by section 63-2220, Idaho Code, unless levies pursuant to the respective charter of any such charter district are first authorized through an election held pursuant to sections 33-401--33-406, Idaho Code, and approved by a majority of the district electors voting in such election. If so authorized, and if not in conflict with any provision of its charter, all levies made thereafter by such charter district in excess of the levies authorized in paragraph 2 of this section shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220, Idaho Code.

5. General School Maintenance and Operation Limitations. All noncharter school districts shall limit the budget request for operating purposes to the limitation required by section 63-2220, Idaho Code, subject to the provisions of paragraph 3 of this section.

6. The Local District Contribution. The local school district contribution levy is the amount utilized for calculating local district participation in the educational foundation program, which is applied to the adjusted market value for assessment purposes, as such valuation existed on December 31 of the previous year. Such levy shall be exempt from the limitation imposed in section 63-923(1), Idaho Code, and from the provisions of section 63-2220, Idaho Code.

SECTION 2. 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~~ as such valuation existed on December 31 of the previous year and twenty-five hundredths percent (.25%) of the equivalent valuation ~~for~~ as such valuation existed on December 31 of 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~~ as such valuation existed on December 31 of the previous year and twenty-five hundredths percent (.25%) of the equivalent valuation ~~for~~ as such valuation existed on December 31 of 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 edu-

cational 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, 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 16, 1987.

CHAPTER 53
(S.B. No. 1160)

AN ACT

APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL ACCOUNT TO THE GENERAL ACCOUNT; APPROPRIATING MONEYS TO THE DEPARTMENT OF AGRICULTURE IN ADDITION TO THE APPROPRIATION MADE BY SECTION 3, CHAPTER 277, LAWS OF 1986; AND DECLARING AN EMERGENCY.

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

SECTION 1. There is hereby appropriated from the Water Pollution Control Account to the General Account the sum of $103,000. The provisions of this appropriation specifically supersede the provisions of Section 39-3606, Idaho Code.

SECTION 2. In addition to the appropriation made by Section 3, Chapter 277, Laws of 1986, there is hereby appropriated to the Department of Agriculture the following amount to be expended for the named program for the period July 1, 1986, through June 30, 1987:

A. PLANT INDUSTRIES:

FOR:	
PEST ERADICATION	
Personnel Costs	$ 10,000
Operating Expenditures	93,000
TOTAL	$103,000
FROM:	
General Account	$103,000

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

Approved March 16, 1987.

CHAPTER 54
(S.B. No. 1163)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 250, LAWS OF 1986; 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 250, Laws of 1986, there is hereby appropriated to the Department of Correction the following amount to be expended for the named program according to the designated expense class from the listed accounts for the period July 1, 1986, through June 30, 1987:

FOR:

PROBATION AND PAROLE:

FROM:

Probation and Parole Receipts Account	$ 76,100

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

Approved March 16, 1987.

CHAPTER 55
(H.B. No. 43)

AN ACT

RELATING TO COMPENSATION FOR MEMBERS OF THE PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD; AMENDING SECTION 54-1908, IDAHO CODE, TO INCREASE THE COMPENSATION FOR THE MEMBERS OF THE PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD.

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

SECTION 1. That Section 54-1908, Idaho Code, be, and the same is hereby amended to read as follows:

54-1908. MEETINGS -- QUORUM. The board shall hold not less than four (4) regular meetings each year, on a day not later than the fifteenth day of the month in each of the months of January, April, July and October, for the purpose of transacting such business as may properly come before it. At the April meeting of each year the board shall elect officers. Special or regular monthly meetings of the board may be held at such times as the board may provide in the by-laws. Three (3) members of the board shall constitute a quorum. Two (2) members of

the board may call a special meeting at any time. Due notice of each meeting of the board and the time and place thereof shall be given each member in the manner prescribed in the by-laws. Each member of the board shall be compensated as provided by section 59-509(~~f~~ h), Idaho Code, to be allowed and paid from the public works contractors license ~~fund~~ account, as hereinafter provided in this act.

Approved March 17, 1987.

CHAPTER 56
(S.B. No. 1127)

AN ACT

RELATING TO REGULATION OF DAY CARE; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, TITLE 39, IDAHO CODE, TO PROVIDE A STATEMENT OF POLICY, TO DEFINE TERMS, TO PROVIDE LICENSING AUTHORITY IN DEPARTMENT OF HEALTH AND WELFARE OVER DAY CARE CENTERS, TO REQUIRE AN APPLICATION FOR A DAY CARE LICENSE, TO PROVIDE INSPECTIONS, TO PROVIDE CONTINUED COMPLIANCE AND REINSPECTION, TO PROVIDE CRIMINAL HISTORY CHECKS, TO PROVIDE ISSUANCE AND RENEWAL OF LICENSES, TO PROVIDE FEES, TO PROVIDE THE EFFECT OF A CITY OR COUNTY ADOPTING AN ORDINANCE FOR REGULATION AND/OR LICENSING OF DAY CARE CENTERS, TO PROVIDE FIRE SAFETY STANDARDS, TO PROVIDE HEALTH STANDARDS, TO AUTHORIZE RULES, TO PROVIDE VISITATION BY PARENTS OR GUARDIANS, TO PROVIDE GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF A LICENSE AND TO PROVIDE APPEALS, TO SPECIFY LIMITED APPLICATIONS, TO PROVIDE VOLUNTARY COMPLIANCE, TO PROVIDE PENALTIES, TO PROVIDE FOR PROSECUTION OF VIOLATIONS, AND TO PROVIDE EXEMPTIONS FROM LIABILITY; AMENDING SECTION 39-1209, IDAHO CODE, TO STRIKE CERTAIN DEFINITIONS; AMENDING SECTION 39-1211, IDAHO CODE, TO STRIKE REFERENCES TO DAY CARE HOMES AND DAY CARE CENTERS; AMENDING SECTION 39-1224, IDAHO CODE, TO STRIKE REFERENCES TO CHILDCARE LICENSING; AMENDING SECTION 39-4702, IDAHO CODE, TO FURTHER DEFINE "DAY CARE CENTER"; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 11, Title 39, Idaho Code, and to read as follows:

CHAPTER 11
BASIC DAY CARE LICENSE

39-1101. POLICY. It is hereby declared to be the policy of this state to establish a minimum statewide system for the protection of children in day care centers. This system is intended to establish minimum standards, while still leaving primary responsibility for

evaluation and selection of day care services with parents. The minimum standards established by this chapter shall not be construed as preempting more stringent regulation by county or city ordinance.

39-1102. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho board of health and welfare.

(2) "Child" means a person less than twelve (12) years of age.

(3) "Day care" means care and supervision provided for compensation during part of a twenty-four (24) hour day, for a child or children not related by blood or marriage to the person or persons providing the care, in a place other than the child's or children's own home or homes.

(4) "Day care center" means a place or facility providing day care for compensation for thirteen (13) or more children.

(5) "Department" means the Idaho department of health and welfare.

(6) "District health board" means the district health boards of the respective public health districts as established in chapter 4, title 39, Idaho Code.

(7) "District health department" means the district health departments of the respective districts, created in section 39-409, Idaho Code.

(8) "Employee" means any person working for compensation in a facility that provides day care.

(9) "Family day care home" means a home, place, or facility providing day care for six (6) or fewer children.

(10) "Group day care facility" means a home, place, or facility providing day care for seven (7) to twelve (12) children.

39-1103. LICENSING AUTHORITY. The department of health and welfare is hereby authorized and directed to issue "basic day care licenses" as provided in this chapter. The department is authorized to establish procedures for issuing licenses to day care centers which shall be maintained and operated in conformity with the standards authorized in this chapter. Nothing in this chapter shall be construed to limit or restrict the teaching of religious doctrines, values, or tenets in a facility licensed under the provisions of this chapter. The provisions of this chapter shall not apply to:

(1) The occasional care of a neighbor's, relative's or friend's child or children by a person not ordinarily in the business of child care;

(2) The operation of a private school or religious school for educational purposes for children over four (4) years of age or a religious kindergarten;

(3) The provision of occasional care exclusively for children of parents who are simultaneously in the same building;

(4) The operation of day camps, programs and religious schools for less than twelve (12) weeks during a calendar year or not more often than once a week; or

(5) The provision of care for children of only one (1) immediate family in addition to the person's own children.

39-1104. APPLICATION FOR LICENSE -- FIRE SAFETY AND HEALTH INSPECTIONS. (1) Application. A person who wishes to operate a day care center shall submit an application, on the forms provided by the department, and shall obtain the required certificates of inspection as provided herein.

(2) Inspections. A person who wishes to operate a day care center shall submit: (a) a certificate of a fire inspection of the proposed center, conducted by a fire department or fire district official, establishing compliance with the minimum standards specified in section 39-1109, Idaho Code; and (b) a health inspection of the proposed center conducted by the district health department, establishing compliance with the minimum standards specified in section 39-1110, Idaho Code.

(3) Continued compliance and reinspection. Day care centers shall at all times maintain compliance with the fire safety and health requirements identified in this chapter. The department may cause any day care center to be reinspected during the term of a license for fire safety and health compliance as determined necessary. No charge for any reinspection after the initial inspection in any license period shall be made to the day care center.

39-1105. CRIMINAL HISTORY CHECKS. The department shall obtain a criminal history check on the owners, operators, employees and volunteers of a day care center who have direct contact with children; provided, however, that owners, operators, employees and volunteers who have continuously resided in the county in which the day care center is located for three (3) years immediately preceding the date of the application shall not be required to provide a criminal history check. The criminal history check shall include the following:

(1) Statewide criminal identification bureau;

(2) Federal bureau of investigation (FBI) criminal history; and

(3) National crime information center.

39-1106. ISSUANCE OF LICENSE -- RENEWAL. (1) Upon receipt of the application, inspection certificates and the criminal history, the department shall, upon a finding of compliance, issue a basic day care license to the applicant. The license shall be valid for two (2) years and shall be posted in a conspicuous place at the day care center.

(2) After the criminal history check has been completed for any person, it shall not be repeated on application for renewal or for any other purpose unless that person has resided outside the state of Idaho for any period since the original criminal history check was completed.

(3) The department shall maintain a list of all licensees for public use.

39-1107. FEES. The board shall establish by rule the maximum total fee to be assessed for a basic day care license which shall not exceed seventy-five dollars ($75.00). The board shall allocate the fee for fire and health inspections and for the criminal history check. The board shall also establish a renewal fee which shall not exceed fifty dollars ($50.00).

39-1108. LOCAL OPTION. If a city or county, within its respective jurisdiction, has adopted an ordinance for regulation and/or licensing of day care services, then the provisions of this chapter shall not apply with such city or county unless the ordinance is subsequently repealed. To qualify for exemption, regulation of centers must include a criminal history check at least as stringent as the check required in section 39-1105, Idaho Code, compliance with fire safety standards at least as stringent as required in section 39-1109, Idaho Code, and compliance with health standards at least as stringent as required in section 39-1110, Idaho Code. Cities and counties are hereby granted authority and may adopt ordinances for regulation and/or licensing of day care services.

39-1109. FIRE SAFETY STANDARDS. (1) Day care centers shall comply with the following fire safety standards in the area of the day care center in which day care is provided: (a) adequate fire and smoke alarms; (b) a functional telephone; (c) adequate fire extinguishers or other suitable arrangements for extinguishing fires; and (d) adequate exits. Separate standards in these categories shall also be developed for group day care facilities.

(2) No fire standards developed pursuant to this chapter shall be more stringent than the standards contained in the Uniform Fire Code, without supplementation by any other standard or code.

(3) In addition to the fire safety standards identified in subsection (1) of this section, fire safety standards may be established to govern the maximum allowable ratio of children to staff subject to the following restrictions:

(a) In no event shall the child-staff ratio require more than one (1) staff member to twelve (12) children;

(b) No factors other than fire safety may be considered in establishing child-staff ratios;

(c) All adults on the premises shall be counted as staff for purposes of computing a child-staff ratio; and

(d) Each child shall count as one (1) child for purposes of computing a child-staff ratio.

39-1110. HEALTH STANDARDS. Day care centers shall comply with the following health standards:

(1) Food for use in day care centers shall be prepared and served in a sanitary manner with sanitized utensils and on surfaces that have been cleaned, rinsed and sanitized prior to use to prevent contamination;

(2) All food that is to be served in day care centers shall be stored in such a manner that it is protected from potential contamination;

(3) The water supply, where the source is other than a public water system, must be approved by the district board of health;

(4) Medicines, cleaning supplies and other hazardous substances must be stored out of reach of children;

(5) A telephone or some type of emergency communication system is required; and

(6) Representatives of the district health department shall not be denied access to a day care center for purposes of control of communicable disease.

39-1111. RULES AUTHORIZED. In order to implement the provisions of this chapter, the following rule making authority is authorized:

(1) The state fire marshal, in addition to other duties imposed by law, is hereby authorized and directed to establish rules necessary to implement the provisions of sections 39-1109 and 39-1114, Idaho Code;

(2) District health boards, in addition to other duties imposed by law, are hereby authorized and directed to establish necessary health standards to implement the provisions of section 39-1110, Idaho Code; and

(3) The board, in addition to other duties imposed by law, is hereby authorized and directed to establish procedures necessary to implement the provisions of this chapter including procedure for submission of required certificates as provided in sections 39-1109 and 39-1110, Idaho Code, and conduct of the criminal history check provided in section 39-1105, Idaho Code.

The rule making authority granted in this section shall be limited to the specific standards and procedures required by this chapter.

39-1112. VISITATION. Any parent or guardian shall have the absolute right to enter the premises of any facility during the period of care for the parent's or guardian's child or children. Any failure or refusal to allow entry to a parent or guardian may be grounds for suspension or revocation of the license, pursuant to section 39-1113, Idaho Code. If a parent or guardian has been granted limited or has been denied visitation rights by a court of competent jurisdiction, this section shall not confer a right to visitation.

39-1113. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. (1) A license may be denied, suspended or revoked by the department if the department finds that the applicant or licensee does not comply with the provisions of this chapter.

(2) No person who has been found guilty of any offense involving neglect or any physical injury to, or other abuse of a child including, but not limited to: a sex crime, as defined in chapter 66, title 18, Idaho Code; rape, as defined in chapter 61, title 18, Idaho Code; injuring a child as defined in section 18-1501, Idaho Code; selling or bartering a child as defined in section 18-1511, Idaho Code; sexually abusing a child, as defined in section 18-1506, Idaho Code; sexually exploiting a child, as defined in section 18-1507 or 18-1508, Idaho Code; or a similar provision in another jurisdiction, shall be eligible for a license under this chapter.

(3) The denial, suspension or revocation of a license under this chapter may be appealed to the district court of the county in which the affected day care center is located and the appeal shall be heard de novo in the district court.

39-1114. LIMITED APPLICATIONS. Any person providing day care in a

group day care facility shall not be required to be licensed, but shall comply with the requirements of section 39-1105, Idaho Code, for a criminal history check and shall obtain a fire inspection certificate establishing compliance with the standards provided in section 39-1109, Idaho Code. The fire inspection for group day care facilities may be conducted by the district health department. The fire inspection certificate and the criminal history check, if one is required, shall be available for inspection on the premises.

A group day care facility or family day care home may elect to comply with the provisions of this chapter and upon a finding of compliance by the department, shall receive a basic day care license.

39-1115. MISDEMEANOR. (1) It shall be a misdemeanor to operate a day care center within this state without first obtaining a basic day care license from the department or to operate a day care center without posting a basic day care license in a conspicuous place. A copy of this chapter shall be available on the premises at all times for staff and parents to read on request.

(2) It shall be a misdemeanor to operate a group day care facility without obtaining the certificates required in section 39-1114, Idaho Code; provided, that in the event of an initial citation for violation of the provisions of this subsection, if a person makes the applications required within twenty (20) days, the complaint shall be dismissed. Operation of a group day care facility after denial of the certificates required shall be a misdemeanor.

(3) It is a misdemeanor for any person to provide day care services if such person has been found guilty in this state's courts, in any other state's courts, or in any federal court, of any offense involving neglect or any physical injury to, or other abuse of a child including:

(a) A sex crime as defined in chapter 66, title 18, Idaho Code, or any similar provision in another jurisdiction;

(b) Rape as defined in chapter 61, title 18, Idaho Code, or any similar provision in another jurisdiction;

(c) Injuring a child as defined in section 18-1501, Idaho Code, or any similar provision in another jurisdiction;

(d) Selling or bartering a child as defined in section 18-1511, Idaho Code, or any similar provision in another jurisdiction;

(e) Sexually abusing a child as defined in section 18-1506, Idaho Code, or any similar provision in another jurisdiction;

(f) Sexually exploiting a child as defined in section 18-1507, Idaho Code, or any similar provision in another jurisdiction.

39-1116. PROSECUTION. It shall be the duty of the prosecuting attorney of the county in which the day care center or group day care facility is located to prosecute violations of the provisions of this chapter.

39-1117. NO LIABILITY TO STATE OR POLITICAL SUBDIVISIONS. The issuance of a license or certificate pursuant to this chapter shall not constitute a representation of affirmance to any person that the day care center to which a license is issued or a group day care

facility to which a certificate is issued is free from risk with regard to the standards in this chapter. The state and its political subdivisions or any employees or agents of the state or its political subdivisions shall not be liable for nor shall a cause of action exist for any loss or damage based upon the failure of any person to meet the standards contained in this chapter.

SECTION 2. That Section 39-1209, Idaho Code, be, and the same is hereby amended to read as follows:

39-1209. DEFINITIONS. 1. "Department" means the state department of health and welfare.

2. "Director" means the director of the department of health and welfare.

3. "Child" means a person less than eighteen (18) years of age.

4. "Foster home" means a home which accepts, for any period of time, with or without compensation, an unrelated child as a member of the household for the purpose of providing substitute parental care of the child.

~~5. "Day-care-home"-means-a-home-or-place-in-which--any--child--or children--not--related--by--blood-or-marriage-to-the-person-or-persons operating-such-home-are-regularly-received-and-cared--for--during--any part-of-the-twenty-four-(24)-hour-day.~~

~~6.--"Day--care--center"--means-a-home-or-place-providing-care-to-a group-of-five-(5)-or-more-children-for-all-or-part-of-the--twenty-four (24)-hour-day.~~

~~7.~~ "Children's agency" or "children's institution" means an organization, corporation, society or association which receives children for control, child care, maintenance or placement, or a place maintained or operated by a person or persons, organization, corporation, society or association which specializes in maternity care to unmarried mothers, or provides group care for children who are in its custody and control through legal action or informal arrangement, or which places children in adoptive or foster homes.

~~8~~6. "Child care" means foster care, group care, ~~day-care,~~ or placement.

~~9~~7. "Foster care" means child care, in lieu of parental care in a foster home, children's agency or children's institution.

~~10~~8. "Group care" means foster care of a number of children for whom care in a family setting is not available or appropriate, in a dormitory or cottage type setting, characterized by activities and discipline of a more regimented and less formal nature than found in a family setting.

~~11.--"Day-care"-means-foster-care-provided-only-during-the-day,-or certain-hours-during-the-day.~~

~~12~~9. "Placement" means finding a suitable licensed foster home or suitable adoptive home for a child and completing the arrangements for a child to be accepted into and adjusted to such home.

~~13~~10. "Representative" means an employee of the state department of health and welfare.

SECTION 3. That Section 39-1211, Idaho Code, be, and the same is

hereby amended to read as follows:

39-1211. STANDARDS FOR FOSTER HOMES~~,-DAY-CARE-HOMES-AND-DAY-CARE CENTERS~~ -- BOARD AUTHORIZED TO IMPLEMENT AND ENFORCE. The board of health and welfare shall have the power, and it shall be its duty to promulgate appropriate rules and regulations necessary to implement and enforce the following standards for licensing private foster homes~~,-day-care-homes-and-day-care-centers,~~ pursuant to this act.

1. Require evidence of income and resources sufficient to maintain the home and the services offered.

2. Require such record-keeping and reporting as may be deemed necessary.

3. Assure the safety and adequate physical care of children under care.

4. Require that foster parents be physically and emotionally suited to care for unrelated children and to deal with problems presented by children away from their own homes and own parents.

Provided, however, nothing in this act shall be construed to cover the occasional or irregular care of a neighbor's, relative's or friend's child or children by a person not ordinarily engaged in child care.

SECTION 4. That Section 39-1224, Idaho Code, be, and the same is hereby amended to read as follows:

39-1224. TITLE OF ACT. This act shall be known and cited as the "~~Child~~ Foster-Care Licensing Act."

SECTION 5. That Section 39-4702, Idaho Code, be, and the same is hereby amended to read as follows:

39-4702. DEFINITIONS. As used in this chapter, the following terms have the following meanings:

(1) "Day care center" ~~shall--be-defined-the-same-as-in-section 39-1209(6),-Idaho-Code~~ means a home or place providing care to a group of five (5) or more children for all or part of the twenty-four (24) hour day.

(2) "Department" means the state department of health and welfare.

(3) "Director" means the director of the department of health and welfare.

(4) "Foster home" shall be defined the same as in section 39-1209(4), Idaho Code.

(5) "In-house respite care" means the provision of respite care services within the physically or mentally disabled or handicapped individual's own home during a period when parents or guardians are absent.

(6) "Intermediate care facility" is a health facility whose design and function shall provide area, space and equipment to meet the restorative, rehabilitative, recreational and daily living needs of the residents. The facilities must reflect the personal care, social/psychological needs of the residents. The primary traffic flow

is generated by residents going to services and activities. At a minimum, the facility shall provide such services as personal care, rehabilitative, remotivational activities and dietary and supporting services in health care as required by the category of residents admitted. In addition, an adult day care service may be provided at the election of the facility.

(7) "Physical or mental disabilities or handicaps" mean any substantial physical, mental or developmental disability which prevents normal participation in community and/or life activities as are available and participated in by persons with no such afflictions or conditions of the same age and sex.

(8) "Representative" means an employee of the state department of health and welfare.

(9) "Respite care" means appropriate services in a variety of settings, provided for the care of physically or mentally disabled or handicapped persons through temporary separation from his family, in or outside the home for short, specified periods of time, and involving other services as needed on an individual basis, for the purpose of relieving the family of his care in order to:

(a) meet planned or emergency needs of the family of the individual; or

(b) restore or maintain the physical and mental well-being of the individual's parents or guardians; or

(c) initiate training procedures for the individual's parents or guardians in or out of the home.

(10) "Respite care center" means any facility designated to provide twenty-four (24) hour respite care for more than three (3) physically or mentally disabled or handicapped individuals, but not on a continuous living arrangement.

(11) "Respite care home" means any home which will provide care, on a short-term basis, for less than three (3) physically or mentally disabled or handicapped individuals who are nonrelated.

(12) "Shelter home" shall be defined the same as in section 39-3301(1), Idaho Code.

(13) "Skilled nursing care facility" is a health facility whose design and function shall provide area space and equipment to meet the health needs of the skilled care level patient and the care delivery activities of the staff. The functional layout shall meet, primarily, medical and nursing needs. The design shall recognize that the primary traffic flow is the medical/nursing staff to the patient. At a minimum, the facility shall provide such services as medical/skilled nursing care, dietary, restorative, pharmaceutic, and the availability of dental services.

SECTION 6. In order to achieve an orderly transition pursuant to this act, the provisions of this act authorizing the promulgation of rules, fees and forms shall be in full force and effect on and after October 1, 1987, and the remaining portions of this act shall be in full force and effect on and after March 1, 1988.

Approved March 18, 1987.

CHAPTER 57
(H.B. No. 87, As Amended)

AN ACT

RELATING TO TRANSPORTATION OF RADIOACTIVE MATERIALS; AMENDING CHAPTER 30, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3029, IDAHO CODE, TO ADOPT THE PACIFIC STATES AGREEMENT ON RADIOACTIVE TRANSPORTATION MATERIALS MANAGEMENT, TO PROVIDE POLICY AND PURPOSE, TO DEFINE TERMS, TO PROVIDE REGULATORY PRACTICES, TO CREATE THE PACIFIC STATES RADIOACTIVE MATERIALS TRANSPORTATION COMMITTEE, TO PROVIDE ELIGIBLE PARTIES TO THE AGREEMENT, TO PROVIDE THE EFFECTIVE DATE OF THE AGREEMENT, AND TO PROVIDE SEVERABILITY OF THE AGREEMENT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 30, 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 39-3029, Idaho Code, and to read as follows:

39-3029. PACIFIC STATES AGREEMENT ON RADIOACTIVE MATERIALS TRANSPORTATION MANAGEMENT. The pacific states agreement on radioactive materials transportation management is hereby enacted into law and entered into by the state of Idaho as a party, and is in full force and effect between the state and other states joining the agreement in accordance with its terms.

PACIFIC STATES AGREEMENT ON
RADIOACTIVE MATERIALS TRANSPORTATION MANAGEMENT

ARTICLE I--Policy and Purpose

The party states recognize that protection of the health and safety of citizens and the environment, and the most economical transportation of radioactive materials, can be accomplished through cooperation and coordination among neighboring states. It is the purpose of this agreement to establish a committee comprised of representatives from each party state to further cooperation between the states on emergency response and to coordinate activities by the states to eliminate unnecessary duplication of rules and regulations regarding the transportation and handling of radioactive material.

The party states intend that this agreement facilitate both interstate commerce and protection of public health and the environment. To accomplish this goal, the party states direct the committee to develop model regulatory standards for party states to act upon and direct the committee to coordinate decisions by party states relating to the routing and inspection of shipments of radioactive material.

ARTICLE II--Definitions

As used in this agreement:

(1) "Carrier" includes common, private, and contract carriers.

(2) "Hazardous material" means a substance or material which has

been determined by the United States department 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.

(3) "Radioactive material" has the meaning given that term in federal department of transportation regulations found in 49 C.F.R. part 173, and includes, but is not limited to, high-level radioactive waste, low-level radioactive waste, and spent nuclear fuel, as defined in section 2 of the nuclear waste policy act of 1982 (96 stat. 2202; 42 U.S.C.A. sec. 10101).

(4) "Transportation" means the transport by any means of radioactive material destined for or derived from any location, and any loading, unloading, or storage incident to such transport. "Transportation" does not include permanent storage or disposal of the material.

ARTICLE III--Regulatory Practices

Section 1. The party states agree to develop model standards not in conflict with federal law or regulations, for carriers of radioactive material to provide information regarding:

(1) The amount and kind of material transported;

(2) The mode of transportation and, to the extent feasible, the route or routes and the time schedule;

(3) The carrier's compliance with local, state, and federal rules and regulations related to radioactive material transportation;

(4) The carrier's compliance with federal and state liability insurance requirements.

Section 2. Consistent with federal law or regulations pertaining to transportation of radioactive material, the party states also agree to:

(1) Develop model uniform procedures for issuing permits to carriers;

(2) Develop model uniform record-keeping processes that allow access on demand by each state;

(3) Develop model uniform safety standards for carriers;

(4) Coordinate routing of shipments of radioactive materials;

(5) Develop a method for coordinating the party states' emergency response plans to provide for regional emergency response including (a) systems for sharing information essential to radiation control efforts, (b) systems for sharing emergency response personnel, and (c) a method to allocate costs and clarify liability when a party state or its officers request or render emergency response;

(6) Recommend parking requirements for motor vehicles transporting radioactive materials;

(7) Coordinate state inspections of carriers; and

(8) Develop other cooperative arrangements and agreements to enhance safety.

Section 3. The party states also agree to coordinate emergency response training and preparedness drills among the party states, Indian tribes, and affected political subdivisions of the party states, and if possible, with federal agencies.

Section 4. The party states recognize that the transportation management of hazardous waste and hazardous materials is similar in many respects to that of radioactive materials. The party states,

therefore, agree to confer as to transportation management and emergency response for those items where similarities in management exist.

ARTICLE IV--Pacific States Radioactive Materials Transportation Committee

Section 1. Each party state shall designate one official of that state to confer with appropriate legislative committees and with other officials of that state responsible for managing transportation of radioactive material, and with affected Indian tribes and be responsible for administration of this agreement. In Idaho the commission member shall be a legislator appointed by the legislative council to serve during a full legislative term. The officials so designated shall together comprise the Pacific states radioactive materials transportation committee. The committee shall meet as required to consider and, where necessary, coordinate matters addressed in this agreement. The parties shall inform the committee of existing regulations concerning radioactive materials transportation management in their states, and shall afford all parties a reasonable opportunity to review and comment upon any proposed modifications in such regulations.

Section 2. The committee may also engage in long-term planning to assure safe and economical management of radioactive material transportation on a continuing basis.

Section 3. To the extent practicable, the committee shall coordinate its activities with those of other organizations.

ARTICLE V--Eligible Parties and Effective Date

Section 1. The states of Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington and Wyoming are eligible to become a party to this agreement. As to any eligible party, this agreement shall become effective upon enactment into law by that party, but it shall not become initially effective until enacted into law by two states. Any party state may withdraw from this agreement by enacting a statute repealing its approval.

Section 2. After the agreement has initially taken effect under section 1 of this article, any eligible party state may become a party to this agreement by the execution of an executive order by the governor of the state. Any state which becomes a party in this manner shall cease to be a party upon the final adjournment of the next general or regular session of its legislature or July 1, 1988, whichever occurs first, unless the agreement has by then been enacted as a statute by that state.

ARTICLE VI--Severability

If any provision of this agreement, or its application to any person or circumstance, is held to be invalid, all other provisions of this agreement, and the application of all of its provisions to all other persons and circumstances, shall remain valid; and to this end the provisions of this agreement are severable.

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

Approved March 18, 1987.

CHAPTER 58
(H.B. No. 75, As Amended in the Senate)

AN ACT

RELATING TO LIQUOR CATERING PERMITS; AMENDING SECTION 23-934A, IDAHO CODE, TO PROVIDE CONDITIONS FOR APPLICATION FOR A LIQUOR CATERING PERMIT, AND TO PROVIDE THAT A CATERING PERMIT IS VALID ONLY WITHIN THE ISSUING JURISDICTION; AND AMENDING SECTION 23-934B, IDAHO CODE, TO PROVIDE THAT A CATERING PERMIT AUTHORIZES THE RETAIL SALE OF LIQUOR BY THE DRINK, BEER AND WINE.

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

SECTION 1. That Section 23-934A, Idaho Code, be, and the same is hereby amended to read as follows:

23-934A. LIQUOR CATERING PERMIT -- APPLICATION. Any person holding an Idaho retail liquor license may serve and sell liquor retail by the drink at a private party or convention, and not to exceed three (3) consecutive days, upon obtaining a liquor catering permit. Applications for such permit shall be made to the city within which the liquor is to be served, or if not within a city then to the county, on such form as prescribed by the director which shall contain the following information:

1. The name and address of the applicant and the number of his state liquor license.

2. The dates and hours during which the permit is to be effective, not to exceed three (3) consecutive days.

3. The names of the organizations, groups, or persons sponsoring the event.

4. The address at which the liquor is to be served, and if a public building, the rooms in which the liquor is to be served.

~~5. A statement that the event at which the liquor is to be served will be open to the sponsoring organizations and their guests.~~

The application shall be verified by the applicant and filed with the appropriate governing body. A filing fee in the amount of twenty dollars ($20.00) for each day the permit is to be effective shall be paid to the treasury of the governing body which shall not be refunded in any event. Any catering permit shall be valid only within the issuing jurisdiction.

SECTION 2. That Section 23-934B, Idaho Code, be, and the same is hereby amended to read as follows:

23-934B. FILING OF APPLICATION -- APPROVAL -- DISAPPROVAL BY DIRECTOR. Upon the filing of an application for a liquor catering permit, the city council, or county commissioners receiving the application shall upon the advice and recommendation of the chief of police

or sheriff, approve or disapprove the application and indicate the determination on the face of the application by indorsement signed by clerk of the city or county. Copies of the application with signed indorsements thereon shall be mailed or delivered immediately to the chief of police or sheriff, the director and the applicant, and a signed copy retained by the clerk. An application approved in this manner shall constitute a permit, unless disapproved by the director by notice served upon the applicant for the retail sale of liquor by the drink, beer and wine for the period authorized by the permit.

Approved March 20, 1987.

CHAPTER 59
(H.B. No. 238)

AN ACT

RELATING TO PERSONS FOUND NOT GUILTY BECAUSE OF MENTAL DISEASE OR DEFECT; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 66-337, IDAHO CODE, TO PROVIDE THAT SECTION 18-214, IDAHO CODE, SHALL REMAIN IN FULL FORCE AND EFFECT FOR EVERY INDIVIDUAL PREVIOUSLY ACQUITTED BECAUSE OF MENTAL DISEASE OR DEFECT AND TO SET OUT THE PROVISIONS OF SECTION 18-214, IDAHO CODE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. Section 67-513, Idaho Code, states: "The repeal of any law creating a criminal offense does not constitute a bar to the prosecution and punishment of an act already committed in violation of the law so repealed, unless the intention to bar such prosecution and punishment is expressly declared in the repealing act." Senate bill no. 1396, second regular session of the forty-sixth Idaho legislature, chapter 368, laws of 1982, abolished the insanity defense for a "person against whom a criminal complaint is filed on or after July, 1982." The absence in senate bill no. 1396 of a procedure for those previously found not guilty on the basis of mental disease or defect and involuntarily committed to a state mental health facility was NOT a revelation by "this state's legislature...that it has little or no interest in delineating upon whom the initial burden of proof lies during a conditional release hearing for those involuntarily committed under I.C. section 18-214." Nor was the legislature "abdicating its authority in this regard." (State v. Chilton, #1620, Feb. 5, 1987, slip op. at 10) As the legislature of the state of Idaho clearly sets forth in section 14 of senate bill no. 1396: "This act...shall apply to those persons against whom a criminal complaint is filed on or after July 1, 1982." Thus, given the provisions of section 67-513, Idaho Code, section 1 of senate bill no. 1396 would not apply to those persons against whom a criminal complaint was filed before July 1, 1982, and with respect to those persons, the repeal of sections 18-207, 18-208, 18-209, 18-213, and 18-214, Idaho

Code, would not apply. Thus for those individuals against whom a criminal complaint was filed before July 1, 1982, the provisions of sections 18-207, 18-208, 18-209, 18-213, and 18-214, Idaho Code, were, have been and are in full force and effect. The legislative intent was, and continues to be, that the procedures set forth in section 18-214, Idaho Code, for release of an individual previously acquitted on the basis of mental disease or defect are to apply to that limited class of individuals.

SECTION 2. That Section 66-337, Idaho Code, be, and the same is hereby amended to read as follows:

66-337. REVIEW, TERMINATION OF COMMITMENT AND DISCHARGE OF PATIENTS. (a) The department director or his designee shall as frequently as practicable but at least once at the end of the first ninety (90) days examine or cause to be examined every patient committed to his custody or admitted to an inpatient facility of the state of Idaho, and determine whether to conditionally release, discharge or terminate the commitment of the patient. If the patient has not been conditionally released, discharged, or had the commitment terminated a similar review shall be conducted every one hundred twenty (120) days thereafter. A report of each review and determination regarding an involuntary patient shall be sent to the committing court, prosecuting attorney of the county of commitment, if any, the patient's attorney, and either the patient's spouse, guardian, next of kin or friend.

(b) The commitment of an involuntary patient shall be terminated if the patient is no longer mentally ill or is no longer likely to injure himself or others or is no longer gravely disabled; provided, that patients admitted under section 18-214, Idaho Code, acquitted of criminal charges filed prior to July 1, 1982, on grounds of mental disease or defect, or committed pursuant to sections 18-212(3) and 66-329, Idaho Code, as unfit to proceed, may not be released from an inpatient facility unless thirty (30) days before such release, the department director or his designee shall notify the committing court and prosecuting attorney of the contemplated release.

(c) Upon notification of intention to release from an inpatient facility either a patient admitted under section 18-214, Idaho Code, acquitted of criminal charges filed prior to July 1, 1982, on grounds of mental disease or defect, or committed pursuant to sections 18-212(3) and 66-329, Idaho Code, as unfit to proceed, and upon motion of an interested party or the court on its own motion, the court shall determine whether the conditions justifying such release exist. In making such determination, the court may order an independent examination of the patient. The cost of such independent examination must be borne by the party making the motion or, if indigent, the county having jurisdiction of the case. If no motion is made, the patient may be released according to the notice.

(d) Section 18-214, Idaho Code, shall remain in full force and effect for every individual previously acquitted pursuant to section 18-213, Idaho Code. Section 18-214, Idaho Code, as last amended by section 2, chapter 13, laws of 1977, which is placed here for refer-

ence only and is not a reenactment of section 18-214, Idaho Code, and reads as follows:

18-214. COMMITMENT OF ACQUITTED DEFENDANT -- CONDITIONAL RELEASE -- REVOCATION OF RELEASE WITHIN FIVE YEARS. (1) When a defendant is acquitted on the ground of mental disease or defect excluding responsibility, the court shall order him to be committed to the custody of the director of the department of health and welfare to be placed in an appropriate institution for custody, care and treatment.

(2) If the director of the department of health and welfare is of the view that a person committed to his custody, pursuant to paragraph (1) of this section, may be discharged or released on condition without danger to himself or to others, he shall make application for the discharge or release of such person in a report to the court by which such person was committed and shall transmit a copy of such application and report to the prosecuting attorney of the county from which the defendant was committed. The court shall thereupon appoint at least two (2) qualified psychiatrists to examine such person and to report within sixty (60) days, or such longer period as the court determines to be necessary for the purpose, their opinion as to his mental condition. To facilitate such examination and the proceedings thereon, the court may cause such person to be confined in any institution located near the place where the court sits, which may hereafter be designated by the director of the department of health and welfare as suitable for the temporary detention of irresponsible persons.

(3) If the court is satisfied by the report filed pursuant to paragraph (2) of this section and such testimony of the reporting psychiatrists as the court deems necessary that the committed person may be discharged or released on condition without danger to himself or others, the court shall order his discharge or his release on such conditions as the court determines to be necessary. If the court is not so satisfied, it shall promptly order a hearing to determine whether such person may safely be discharged or released. Any such hearing shall be deemed a civil proceeding and the burden shall be upon the committed person to prove that he may safely be discharged or released. According to the determination of the court upon the hearing, the committed person shall thereupon be discharged or released on such conditions as the court determines to be necessary, or shall be recommitted to the custody of the director of the department of health and welfare, subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

(4) If, within five (5) years after the conditional release of a committed person, the court shall determine, after hearing evidence, that the conditions of release have not been fulfilled and that for the safety of such person or for the safety of others his conditional release should be revoked, the court shall forthwith order him to be recommitted to the custody of the director of the department of health and welfare subject to discharge or release only in accordance with the procedure prescribed above for a first hearing.

(5) A committed person may make application for his discharge or release to the court by which he was committed, and the procedure to be followed upon such application shall be the same as that prescribed

above in the case of an application by the director of the department of health and welfare. However, no such application by a committed person need be considered until he has been confined for a period of not less than six (6) months from the date of the order of commitment and if the determination of the court be adverse to the application, such person shall not be permitted to file a further application until one (1) year has elapsed from the date of any preceding hearing on an application for his release or discharge.

(6) If a defendant escapes from custody during his confinement, the director shall immediately notify the court from which committed, the prosecuting attorney and the sheriff of the county from which committed. The court shall forthwith issue an order authorizing any health officer, peace officer, or the director of the institution from which the defendant escaped, to take the defendant into custody and immediately return him to his place of confinement.

SECTION 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 shall apply to persons against whom a criminal complaint was filed before July 1, 1982.

Approved March 20, 1987.

CHAPTER 60
(S.B. No. 1015, As Amended in the House)

AN ACT

RELATING TO THE SALARIES OF THE MEMBERS OF THE PUBLIC UTILITIES COMMISSION; AMENDING CHAPTER 2, TITLE 61, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 61-215, IDAHO CODE, TO ESTABLISH THE ANNUAL SALARY OF A MEMBER OF THE PUBLIC UTILITIES COMMISSION.

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

SECTION 1. That Chapter 2, Title 61, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 61-215, Idaho Code, and to read as follows:

61-215. SALARIES OF PUBLIC UTILITIES COMMISSIONERS. Each member of the public utilities commission shall devote full time to the performance of his duties and shall each receive an annual salary of fifty thousand dollars ($50,000), notwithstanding the provisions of section 59-510, Idaho Code, and shall be paid from sources set by the legislature.

Approved March 20, 1987.

CHAPTER 61
(S.B. No. 1022, As Amended)

AN ACT

RELATING TO STOCK GROWERS' BRANDS; AMENDING SECTION 25-1106A, IDAHO CODE, TO INCREASE THE MAXIMUM FEE FOR BRAND INSPECTION OF CATTLE, AND TO PROVIDE FOR MINIMUM FEES FOR CERTAIN BRAND INSPECTIONS; AMENDING SECTION 25-1205, IDAHO CODE, TO PROVIDE THAT THE RECORDING OF A BRAND SHALL BE VALID FOR A PERIOD NOT LONGER THAN TWO YEARS AND TO PROVIDE A FIXED FEE FOR RECORDING A BRAND; AMENDING SECTION 25-1207, IDAHO CODE, TO PROVIDE FOR RENEWALS EVERY TWO YEARS AND TO PROVIDE A FIXED FEE FOR RENEWING A BRAND STARTING IN 1989; AMENDING SECTION 25-1208, IDAHO CODE, TO PROVIDE A FIXED FEE FOR TRANSFERRING A BRAND; AMENDING SECTION 25-1402, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE FEE REQUIRED FOR A SEASONAL BRAND INSPECTION CERTIFICATE; AMENDING SECTION 25-1402A, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE FEE FOR OWNERSHIP AND TRANSPORTATION CERTIFICATES FOR HORSES, MULES AND ASSES; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE FOR SECTION 1 OF THIS ACT AND PROVIDING AN EFFECTIVE DATE FOR OTHER SECTIONS OF THIS ACT.

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

SECTION 1. That Section 25-1106A, Idaho Code, be, and the same is hereby amended to read as follows:

25-1106A. BRAND INSPECTION FEES. (1) The maximum fee which shall be charged by the state brand inspector and his deputies for brand inspection shall be ~~fifty~~ seventy-five cents (75¢) for each head of cattle. The maximum fee which shall be charged by the state brand inspector and his deputies for brand inspection for each head of horses, and mules and asses shall be one dollar and fifty cents ($1.50). Provided, however, a minimum fee of three dollars ($3.00) shall be charged by the state brand inspector and his deputies for each brand inspection certificate issued for cattle or horses and mules and asses or a combination thereof, unless the total number of livestock inspected on each brand inspection certificate at the current fee in effect exceeds the minimum brand inspection fee of three dollars ($3.00). Such minimum brand inspection fee is to apply only in those cases when a brand inspector must travel over one (1) mile.

(2) There shall be a minimum fee of fifty dollars ($50.00) per livestock auction sale, payable by the livestock auction sale, for the brand inspection of all subject livestock consigned to the auction.

(3) The state brand board may adopt a schedule or schedules of fees which are below the maximum fees and may adjust such schedule or schedules from time to time whenever such board finds that the cost of administering and enforcing the laws of the state of Idaho for brand inspection of livestock can be maintained with such below-maximum fees. All such fees shall be paid by the owner of the cattle, horses, mules and asses and credited to the state brand account.

SECTION 2. That Section 25-1205, Idaho Code, be, and the same is hereby amended to read as follows:

25-1205. MANNER OF RECORDING BRANDS. Every stock grower whose brands are not recorded, desiring to use any brand on any livestock shall make and file an application setting forth a facsimile and description of the brand which he desires to use which application shall state the post-office address and county of his residence and he shall file such application with the state brand inspector and the same shall be recorded in a book kept for that purpose, by the state brand inspector and from and after the filing of such application, the stock grower filing the same, shall have the exclusive right to use such brand, within the state of Idaho. Such recording shall be valid for a period of not ~~less than one (1) year, nor~~ more than ~~five~~ two (~~5~~2) years, as determined by rules and regulations of the state brand board, subject to the renewal provisions of section 25-1207, Idaho Code. Such person upon the filing of the brand shall pay to the state brand inspector for recording the brand ~~a reasonable sum to be determined by the state brand board not to exceed~~ the sum of ~~five~~ fifty dollars ($~~5~~0.00) ~~per year for each year the brand is to be recorded based upon the actual cost of recording the brand and related services~~ and it shall be the duty of the state brand inspector to furnish without further or other charge, one (1) certified copy of the application to the owner thereof upon his request and for each additional copy he shall be paid a reasonable fee as determined by the state brand board not to exceed one dollar and fifty cents ($1.50) for the additional certified copies: provided, further, that the state brand inspector shall not file or record any such brand if the same has already been filed or recorded by him in favor of some other stock grower. The certified copy of the application shall contain the registration number of such brand, description or facsimile copy of the recorded brand, location of brand on the animal, expiration of the recorded brand and the name and address of the owner of the recorded brand.

SECTION 3. That Section 25-1207, Idaho Code, be, and the same is hereby amended to read as follows:

25-1207. RENEWAL OF BRANDS. a. On July 1, 195~~8~~9 and at the end of each recording period of an original application pursuant to section 25-1205, Idaho Code, and at the end of each successive ~~five~~ two (~~5~~2) year period thereafter on the first day of July, the recording of every brand in the office of the state brand inspector shall be renewed upon application for such renewal by the owner. The fee of the state brand inspector for filing each such renewal application shall be ~~a reasonable sum to be determined by the state brand board not to exceed the sum of five~~ twenty dollars ($~~5~~20.00) ~~per year for each year the brand is to be renewed based upon the actual cost of the renewal of the application~~ and it shall be the duty of the state brand inspector to furnish without further or other charge one (1) certified copy of the certificate of such brand to the owner thereof upon his request, and for each additional certified copy the state brand inspector shall be paid reasonable fee as determined by the state

brand board not to exceed one dollar and fifty cents ($1.50) for the additional certified copy. The fee for recording each renewal shall be paid coincident with the filing of the application therefor.

b. Each application for the renewal and the record of renewal of each brand shall be made in the same manner as is provided by law for the filing of an original application for the recording of a brand.

c. If an application for the renewal of any brand shall not be made and the fee therefor paid within the period of six (6) months after the expiration date for such renewal, then such brand may be allotted by the state brand inspector to any other person who shall apply therefor.

SECTION 4. That Section 25-1208, Idaho Code, be, and the same is hereby amended to read as follows:

25-1208. SALES AND TRANSFERS OF BRANDS. Any brand recorded in accordance with the requirements of this chapter shall be the property of the stock grower in whose name the same shall be recorded, and shall be subject to sale, assignment, transfer, devise and descent, the same as personal property. Instruments of writing evidencing any such sale, assignment or transfer shall be acknowledged as deeds to real estate are now required to be, and shall be recorded in the office of the state brand inspector in a book to be by said officer kept for that purpose, which shall be properly indexed. The recording of such instruments in said office shall have the same force and effect as to third parties, as the recording of instruments affecting real estate, and the acknowledgment of the same shall have the same force and effect as the acknowledgment of deeds to real estate, and certified copies of the record of any such instrument, duly acknowledged, may be introduced in evidence the same as is now provided for certified copies of instruments affecting real estate. The fee of the state brand inspector for recording the writings evidencing each such sale, assignment or transfer shall be ~~a reasonable fee--determined--by the--state--brand-board-not-to-exceed-fifteen-dollars-($15.00)-for-the services-rendered--based--upon--the--actual--cost--of--recording--such transfer~~ fifty dollars ($50.00).

SECTION 5. That Section 25-1402, Idaho Code, be, and the same is hereby amended to read as follows:

25-1402. REQUIREMENTS FOR BRAND INSPECTION -- WRITTEN PERMIT IN LIEU OF INSPECTION. a. Any person desiring to transport, remove, or drive any livestock from the boundaries of this state in any manner shall, before doing so, apply to the state brand inspector to inspect the same for marks and brands, and on such application (or without said application if said officer has knowledge of such removal) said brand inspector shall immediately inspect said livestock for brands and marks and keep an accurate record of the same with the name and residence of owner or shipper and name, sex and kind of livestock. Any person desiring an inspection pursuant to this paragraph must notify a state brand inspector or person duly authorized to accomplish the inspection by the state brand board. If said inspector finds that the

livestock have brands that are not owned by the person claiming the same, then such person shall be required to produce a bill of sale or other satisfactory evidence of ownership. Upon such proof he shall give the person a certificate stating the number and kind of livestock and their marks and brands and thereupon the said person shall be permitted to transport said livestock from this state. A copy of such brand inspection certificate shall accompany the transporting of such livestock to final destination.

b. Any person desiring to transport, remove, or drive any livestock within the boundaries of this state in any manner shall before doing so, have in their possession a written permit properly completed and signed by the owner of the livestock being transported and that said owner signing the written permit is the owner of the properly recorded brand on livestock to be transported according to the record of the state brand inspector. A copy of said written permit shall accompany the transporting of such livestock to final destination.

c. Seasonal brand inspections certificates for all livestock for any purpose, other than sale or trade, may be issued by the state brand inspector or his deputies in lieu of the regularly required brand inspection or other written permits for periods of not to exceed one (1) year in duration and for a fee of not to exceed ~~three~~ five dollars ($35.00), each as determined by regulation of the state brand board.

d. The state brand board shall collect a reasonable fee from the owner of the livestock for inspection services pursuant to this chapter in accordance with section 25-1106A, Idaho Code.

e. Any transportation of livestock in violation of this chapter is prohibited. Livestock transported in violation of this chapter shall be detained until compliance with this chapter has been made.

SECTION 6. That Section 25-1402A, Idaho Code, be, and the same is hereby amended to read as follows:

25-1402A. OWNERSHIP AND TRANSPORTATION CERTIFICATE. a. The owner or owners of any horses, mules or asses desiring to transport them within the state for any purpose other than sale or trade, may, upon request to the state brand board or state brand inspector, be issued an ownership and transportation certificate, which certificate shall be issued in lieu of the required brand inspection certificate or other written permit for each horse, mule or ass to be transported.

b. An ownership and transportation certificate may be used by the owner or owners of a horse, mule or ass for identification purposes and as prima facie proof of ownership of any animal described by such a certificate.

c. The ownership and transportation certificate shall be valid as long as the horse, mule or ass described therein remains under the ownership of the person or persons to whom the certificate is issued.

d. The ownership and transportation certificate of a horse, mule or ass must accompany the animal for which it is issued at all times while the animal is in transit.

e. Each ownership and transportation certificate of a horse, mule or ass shall identify the particular animal by color, markings, sex,

age and where applicable by brand, registration number, tattoo or other marks as provided for by regulation of the state brand board.

f. There shall be a fee in an amount to be set by the state brand board, not to exceed ~~ten~~ twenty-five dollars ($~~10~~25.00), for issuance of each ownership and transportation certificate, which fee shall be in addition to any brand inspection certificate or other written permit which may be requested by the owner or owners of a horse, mule or ass under other provisions of law.

g. Upon any change of ownership of a horse, mule or ass for which an ownership and transportation certificate has been issued, the former owner or owners may transfer the certificate to the new owner or owners upon payment of a fee to be set by the state brand board, not to exceed ~~ten~~ twenty-five dollars ($~~10~~25.00) per certificate.

h. The state brand board may under the provisions of chapter 52, title 67, Idaho Code, provide for and make regulations and forms necessary or desirable to carry out the terms of this section.

i. The state brand board may, under such terms and conditions as it deems necessary to protect ownership of horses, mules and asses, provide by regulation that ownership and transportation certificates may be used in transportation of horses, mules or asses to and from points outside of the state of Idaho, and may provide that similar certificates from other states may be used for proof of ownership of horses, mules or asses entering Idaho.

j. It shall be a misdemeanor to knowingly give false or misleading information in order to obtain an ownership and transportation certificate, or to counterfeit or change such a certificate or to represent to the state brand board or state brand inspector that one owns a horse, mule or ass when that fact is false in order to obtain a certificate. Any person found guilty of a crime or crimes under this section shall be punished by a fine of not to exceed five hundred dollars ($500) or by imprisonment in a county jail for not more than six (6) months or by both such fine and imprisonment.

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, section 1 of this act shall be in full force and effect on and after April 1, 1987. All other sections of this act shall be in full force and effect on and after July 1, 1987.

Approved March 23, 1987.

CHAPTER 62
(S.B. No. 1028)

AN ACT

RELATING TO LEASES ON STATE LANDS; AMENDING SECTION 58-304, IDAHO CODE, TO DELETE ARCHAIC PROVISIONS REGARDING THE LEASING OF LANDS ACQUIRED BY SHERIFF'S DEED OR DEED IN LIEU OF FORECLOSURE.

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

SECTION 1. That Section 58-304, Idaho Code, be, and the same is hereby amended to read as follows:

58-304. LEASES. The state board of land commissioners may lease any portion of the land of the state, at an annual rental the amount of which shall be fixed and determined by the state board. The state board of land commissioners shall notify the lessee of any increase in the applicable rental rate six (6) months in advance of the date the rent is due and payable. The lessee shall pay the annual rental to the director of the department of lands, who shall receipt for the same on the lease in the name of the board, and file a duplicate receipt with the state auditor. Upon receiving such annual rental, the director shall immediately transmit the same to the state treasurer and take his receipt therefor in duplicate, filing one (1) receipt with the state auditor and preserving the other in the office of the state board of land commissioners~~;-provided,-that-the-state-board-of-land-commissioners-may-require-that-the-lease-of-all-lands-acquired-by-virtue-of-a-sheriff's-deed-or-deed-in-lieu--of--foreclosure--shall--be-made--by--the-director-on-the-terms-and-in-accordance-with-such-conditions-as-said-board-shall-direct.-Upon-receiving-the-rental--for--such-lands--acquired--by--sheriff's-deed-or-deed-in-lieu-of-foreclosure-the-director-shall-immediately-transmit-the-same-to-the-state-treasurer-to-be-placed-in-the-farm-mortgage-fund,-taking-his--receipt--therefor--in-triplicate,--filing--one--(1)--receipt-with-the-state-auditor,-one-(1)-receipt-with-the-investment-board,-and-the-other-receipt-in-the-office-of-the-director.-The-money-so-deposited--in--the--farm--mortgage--fund-shall--be-used-for-the-payment-of-delinquent-taxes,-water-assessments,-fire-insurance-and-expenses-of--foreclosure--of--mortgages;--provided,-that--the--provisions--of-this-section-shall-not-apply-to-lands-leased-for-dormitory-purposes,-but-said-lands-so-leased-shall-be-governed--by-the-provisions-of-sections-58-326-to-58-328,-Idaho-Code.~~

Approved March 23, 1987.

CHAPTER 63
(S.B. No. 1029)

AN ACT

RELATING TO THE ADVERTISEMENT AND SALE OF TIMBER ON STATE LANDS; AMENDING SECTION 58-406, IDAHO CODE, TO ALLOW LESS THAN FOUR WEEKS ADVERTISEMENT OF TIMBER SALES IN CASES OF CATASTROPHIC DAMAGE AND TO PROVIDE THAT THE TERMS OF THE TIMBER SALE DO NOT HAVE TO BE ADVERTISED.

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

SECTION 1. That Section 58-406, Idaho Code, be, and the same is hereby amended to read as follows:

58-406. SALE IN PARCELS -- ADVERTISEMENT OF SALE. Whenever the state board of land commissioners directs a sale of timber, it shall direct such sale in such parcels as it deems for the best interests of the state. All sales of timber on state lands, where sold separate from the lands, shall be advertised in one or more newspapers, to be designated by the board, one (1) of which shall be in the county where such timber is located, if there be such paper, if not, then in some newspaper published in an adjoining county, and if such timber is located in more than one (1) county, then in some newspaper in each of the said counties, if there be such paper, if not, then in some newspaper published in an adjoining county, once a week for four (4) consecutive weeks, except that in cases of catastrophic damage caused by insect, weather, or fire, the state board of land commissioners may direct an advertisement of less than four (4) consecutive weeks. The advertisement shall set forth the time, and place ~~and terms~~ of the sale, a description of the land by legal subdivisions on which such timber is situated, the length of time allowed for harvesting the timber, and the minimum price, below which no bid shall be accepted. Provided, however, that small sales of timber, not exceeding one million (1,000,000) board feet in volume, according to the cruiser's estimate, and twenty-five thousand dollars ($25,000) in appraised value, may be made as provided herein, except that only one (1) publication of advertisement shall be necessary and the date of sale shall be set not less than four (4) days after date of publication, and provided further that very small sales of timber not exceeding one hundred thousand (100,000) board feet and five thousand dollars ($5,000) may be made without advertisement and upon approval of the director of the department of lands.

Approved March 23, 1987.

CHAPTER 64
(S.B. No. 1038)

AN ACT
RELATING TO COOPERATIVE SUSTAINED YIELD DISTRICTS; REPEALING CHAPTER 3, TITLE 38, IDAHO CODE.

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

SECTION 1. That Chapter 3, Title 38, Idaho Code, be, and the same is hereby repealed.

Approved March 23, 1987.

CHAPTER 65
(S.B. No. 1077)

AN ACT

RELATING TO THE PENALTY FOR DISCHARGING AN EMPLOYEE FOR JURY SERVICE; AMENDING SECTION 2-218, IDAHO CODE, TO ELIMINATE IMPRISONMENT FOR AN EMPLOYER WHO PENALIZES AN EMPLOYEE FOR SERVING ON A JURY, AND PROVIDING THAT AN EMPLOYEE MAY BRING A CIVIL ACTION FOR RECOVERY OF TREBLE THE AMOUNT OF WAGES LOST FOR VIOLATION OF THIS PROVISION.

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

SECTION 1. That Section 2-218, Idaho Code, be, and the same is hereby amended to read as follows:

2-218. EMPLOYER PROHIBITED FROM PENALIZING EMPLOYEE FOR JURY SERVICE -- PENALTY -- ACTION BY DISCHARGED EMPLOYEE FOR LOST WAGES. (1) An employer shall not deprive an employee of his employment, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror, or attends court for prospective jury service.

(2) Any employer who violates subsection (1) of this section is guilty of criminal contempt and upon conviction may be fined not more than three hundred dollars ($300) ~~or imprisoned not more than six (6) months, or both~~.

(3) If an employer discharges an employee in violation of subsection (1) of this section the employee within sixty (60) days may bring a civil action for recovery of treble the amount of wages lost as a result of the violation and for an order requiring the reinstatement of the employee. ~~Damages recoverable shall not exceed lost wages for six (6) weeks.~~ If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

Approved March 23, 1987.

CHAPTER 66
(S.B. No. 1184)

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO CHANGE A SCHOOL DISTRICT'S CONTRIBUTION TO THE EDUCATIONAL SUPPORT PROGRAM.

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. a. 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%)~~:

(1) Thirty hundredths percent (.30%) during fiscal year, 1987-1988;

(2) Thirty-one and one-half hundredths percent (.315%) during fiscal year, 1988-1989;

(3) Thirty-three and one-tenth hundredths percent (.331%) during fiscal year, 1989-1990;

(4) Thirty-four and seven-tenths hundredths percent (.347%) during fiscal year, 1990-1991;

(5) Thirty-six hundredths percent (.36%) during fiscal year, 1991-1992 and each year thereafter,

of the total state adjusted market value for assessment purposes for the previous year and ~~twenty-five hundredths percent (.25%)~~:

(1) Thirty hundredths percent (.30%) during fiscal year, 1987-1988;

(2) Thirty-one and one-half hundredths percent (.315%) during fiscal year, 1988-1989;

(3) Thirty-three and one-tenth hundredths percent (.331%) during fiscal year, 1989-1990;

(4) Thirty-four and seven-tenths hundredths percent (.347%) during fiscal year, 1990-1991;

(5) Thirty-six hundredths percent (.36%) during fiscal year, 1991-1992 and each year thereafter,

of the equivalent valuation for the previous year as defined in section 33-1014, Idaho Code.

b. The educational support program shall provide from state sources to each school district on a support unit basis, an amount that is equal to, or greater than, the amount of the state's share which was provided during the preceding fiscal year.

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~~ the rate determined under subsection 2. of this section.

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. Calcula-

tions 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, 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 23, 1987.

CHAPTER 67
(S.B. No. 1064, As Amended in the House)

AN ACT

RELATING TO THE IDAHO TRADE SECRETS ACT; AMENDING SECTION 48-801, IDAHO CODE, TO DEFINE "COMPUTER PROGRAM" AND TO INCLUDE COMPUTER PROGRAM WITHIN THE DEFINITION OF A TRADE SECRET.

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

SECTION 1. That Section 48-801, Idaho Code, be, and the same is hereby amended to read as follows:

48-801. DEFINITIONS. As used in this chapter unless the context requires otherwise:

(1) "Improper means" include theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means.

(2) "Misappropriation" means:

(a) Acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

(b) Disclosure or use of a trade secret of another without express or implied consent by a person who:

(A) Used improper means to acquire knowledge of the trade secret; or

(B) At the time of disclosure or use, knew or had reason to know that his knowledge of the trade secret was:

(i) Derived from or through a person who had utilized improper means to acquire it;

(ii) Acquired under circumstances giving rise to a duty to maintain its secrecy or limit its use; or

(iii) Derived from or through a person who owed a duty to the person seeking relief to maintain its secrecy or limit its use; or

(C) Before a material change of his position, knew or had reason to know that it was a trade secret and that knowledge of it had been acquired by accident or mistake.

(3) "Person" means a natural person, corporation, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or any other legal or commercial entity.

(4) "Computer program" means information which is capable of causing a computer to perform logical operation(s) and:

(a) Is contained on any media or in any format;

(b) Is capable of being input, directly or indirectly, into a computer; and

(c) Has prominently displayed a notice of copyright, or other proprietary or confidential marking, either within or on the media containing the information.

(5) "Trade secret" means information, including a formula, pattern, compilation, program, computer program, device, method, technique, or process, that:

(a) Derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

(b) Is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

Approved March 23, 1987.

CHAPTER 68
(S.B. No. 1076)

AN ACT

RELATING TO ACTIONS FOR DIVORCE; AMENDING CHAPTER 7, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 32-713A, IDAHO CODE, TO ALLOW MODIFICATION OF COMMUNITY PROPERTY SETTLEMENTS, JUDGMENTS, OR DECREES WHICH BECAME FINAL IN THE PERIOD OF JUNE 25, 1981, TO FEBRUARY 1, 1983, BY ALLOWING THE INCLUSION OF MILITARY RETIREMENT BENEFITS IN THE SETTLEMENT, JUDGMENT, OR DECREE, TO PROVIDE A STATUTE OF LIMITATIONS, AND TO PROVIDE A SUNSET CLAUSE.

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

SECTION 1. That Chapter 7, Title 32, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 32-713A, Idaho Code, and to read as follows:

32-713A. MODIFICATION OF DIVORCE DECREE -- EFFECTIVE DATE. 1. Community property settlements, judgments, or decrees that became final on or after June 25, 1981, and before February 1, 1983, may be modified to include a division of military retirement benefits payable on or after February 1, 1983, in a manner consistent with federal law and the law of this state as it existed before June 26, 1981, and as

it has existed since February 1, 1983.

2. Modification of community property settlements, judgments, or decrees under this section may be granted whether or not the property settlement, judgment, or decree expressly reserved the pension issue for further determination, omitted any reference to a military pension, or assumed in any manner, implicitly or otherwise, that a pension divisible as community property before June 25, 1981, and on or after February 1, 1983, was not, as of the date the property settlement, judgment, or decree became final, divisible community property.

3. Any proceeding brought pursuant to this section shall be brought before July 1, 1988.

4. This section shall remain in effect until July 1, 1988, and on that date it is repealed and null and void.

Approved March 24, 1987.

CHAPTER 69
(H.B. No. 154)

AN ACT

RELATING TO LICENSURE OF OCCUPATIONAL THERAPISTS; AMENDING TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 37, TITLE 54, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO REQUIRE LICENSURE, TO PROVIDE EXEMPTIONS, TO PROVIDE FOR A LIMITED PERMIT, TO PROVIDE REQUIREMENTS FOR LICENSURE, TO PROVIDE FOR AN EXAMINATION FOR LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS, TO PROVIDE FOR WAIVER OF LICENSURE REQUIREMENTS AND TO PROVIDE LICENSE ENDORSEMENT, TO PROVIDE FOR ISSUANCE OF A LICENSE, TO PROVIDE FOR RENEWAL OF A LICENSE, TO PROVIDE FEES, TO PROVIDE SUSPENSION AND REVOCATION OF A LICENSE AND REFUSAL TO RENEW A LICENSE, TO ESTABLISH THE OCCUPATIONAL THERAPY LICENSURE BOARD AND TO PROVIDE COMPENSATION, TO PROVIDE POWERS AND DUTIES OF THE BOARD OF MEDICINE AND LICENSURE BOARD, TO PROVIDE ADMINISTRATIVE PROVISIONS OF THE BOARD OF MEDICINE, TO PROVIDE PENALTIES AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 54, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 37, Title 54, Idaho Code, and to read as follows:

CHAPTER 37
OCCUPATIONAL THERAPY PRACTICE ACT

54-3701. LEGISLATIVE INTENT. In order to promote the public health, safety, and welfare; to promote the highest degree of professional conduct on the part of occupational therapists and occupational

therapy assistants; and to assure the availability of occupational therapy services of high quality to persons in need of such services, it is the purpose of this act to provide for the regulation of persons offering occupational therapy services to the public.

54-3702. DEFINITIONS. As used in this chapter:

(1) "Association" means the Idaho occupational therapy association.

(2) "Board" means the Idaho state board of medicine.

(3) "Licensure board" means the board established to conduct examinations under this chapter, to make recommendations and consult with the board and to perform such other duties as may be required or authorized by this chapter.

(4) "Occupational therapist" means a person licensed to practice occupational therapy.

(5) "Occupational therapy" is the use of purposeful, goal-oriented activity with individuals who are limited by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities/deficits, poverty or cultural difficulties or the aging process in order to achieve optimum functional performance, independence, prevent further disability and maintain health. The practice of occupational therapy encompasses the evaluation, consultation and treatment of individuals whose abilities to cope with the tasks of daily living are threatened or impaired by physical injury or illness, psychosocial dysfunction, developmental or learning disabilities/deficits, poverty or cultural difficulties or the aging process and includes a treatment program through the use of specific techniques which enhance functional performance and includes the evaluation/assessment of the patient/clients self-care, work and leisure skills, cognition, perception; sensory and motor performance; play skills; vocational and prevocational capacities; need for adaptive equipment; application of selected prosthetic or orthotic devices; and the administration of standardized and nonstandardized assessments.

(6) "Occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy, who works under the supervision of an occupational therapist.

(7) "Person" means any individual, partnership, unincorporated organization, or corporation.

54-3703. LICENSE REQUIRED. It shall be unlawful for any person to practice or to offer to practice occupational therapy, or to represent such person to be an occupational therapist or occupational therapy assistant unless such person is licensed under the provisions of this act. Only an individual may be licensed under this act.

54-3704. EXEMPTIONS. Nothing in this act shall be construed as preventing or restricting the practice, services or activities or requiring licensure pursuant to this act of:

(1) Any person licensed in this state by any other law from engaging in the profession or occupation for which such person is licensed; or

(2) Any person employed as an occupational therapist or occupa-

tional therapy assistant by the government of the United States or any agency thereof, if such person provides occupational therapy solely under the direction or control of the organization by which such person is employed; or

(3) Any person pursuing a supervised course of study leading to a degree or certificate in occupational therapy in an accredited or approved educational program, if the person is designated by a title which clearly indicates a student or trainee status; or

(4) Any person fulfilling the supervised fieldwork experience requirements of section 54-3706, Idaho Code, if the experience constitutes a part of the experience necessary to meet the requirement of that section; or

(5) For purposes of continuing education, consulting, and/or training, any person performing occupational therapy services in the state, if these services are performed for no more than sixty (60) days in a calendar year in association with an occupational therapist licensed under this act, if:

(a) The person is licensed as an occupational therapist or occupational therapy assistant in good standing in another state; or

(b) The person is certified as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA) by the American occupational therapy association.

54-3705. LIMITED PERMIT. A limited permit may be granted to a person who has completed the education and experience requirements of this act. The permit shall allow a person to practice occupational therapy in association with a licensed occupational therapist as established by board rule. This permit shall be valid until the person is issued a license under section 54-3709, Idaho Code, or until the results of the examination taken are available to the board. The board may renew a limited permit once.

54-3706. REQUIREMENTS FOR LICENSURE. A person applying for a license as an occupational therapist or as an occupational therapy assistant shall file a written application provided by the board showing to the satisfaction of the board that such person meets the following requirements:

(1) Education: Applicant shall present evidence satisfactory to the board of having successfully completed the academic requirements of an educational program in occupational therapy approved by the licensure board.

(2) Experience: Applicant shall submit to the licensure board evidence of having successfully completed a period of supervised fieldwork experience acceptable to the board, which period of fieldwork experience shall be:

(a) For an occupational therapist, a minimum of six (6) months of supervised fieldwork experience; or

(b) For an occupational therapy assistant, a minimum of two (2) months of supervised fieldwork experience.

(3) Examination: An applicant for licensure as an occupational therapist or as an occupational therapy assistant shall pass an exami-

nation as provided for in section 54-3707, Idaho Code.

54-3707. EXAMINATION FOR LICENSURE OF OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS. (1) Each applicant for licensure shall be examined by written examination to test the person's knowledge of the basic and clinical sciences relating to occupational therapy, occupational therapy techniques and methods, and such other subjects as the licensure board may require to determine the applicant's fitness to practice. The licensure board shall approve an examination for occupational therapists and an examination for occupational therapy assistants and establish standards for acceptable performance.

(2) Applicants for licensure shall be examined at a time and place and under such supervision as the board may require. Examinations shall be given at least twice each year at such places as the board may determine. The board shall give reasonable public notice of these examinations in accordance with its rules.

(3) Applicants may obtain their examination scores and may review their papers in accordance with such rules as the licensure board may establish.

54-3708. WAIVER OF REQUIREMENTS -- LICENSE ENDORSEMENT. (1) The licensure board shall grant a license to any person certified prior to the effective date of this act and practicing in Idaho as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA) by the American occupational therapy association (AOTA). The licensure board may waive the examination, education, or experience requirements and grant a license to any person certified by the AOTA after the effective date of this act if the board determines the requirements for such certification are equivalent to the requirements for licensure in this act.

(2) The licensure board may waive the examination, education, or experience requirements and grant a license to any applicant who shall present proof of current licensure as an occupational therapist or occupational therapy assistant in another state, the District of Columbia, or territory of the United States which requires standards for licensure considered by the board to be equivalent to the requirements for licensure pursuant to this act.

54-3709. ISSUANCE OF LICENSE. The board based upon recommendation of the licensure board shall issue a license to any person who meets the requirements of this act upon payment of the prescribed license fees.

54-3710. RENEWAL OF LICENSE. (1) Any license issued under this act shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the rules of the board. The board may reinstate a license cancelled for failure to renew upon compliance with requirements of the board for renewal of licenses.

(2) Upon application, the board shall grant inactive status to a licensee who (a) does not practice as an occupational therapist or an occupational therapy assistant, or (b) maintains any continuing

competency requirements established by the board.

54-3711. FEES. The licensure board shall adopt rules establishing fees for the following:

(a) Initial license fee;
(b) Renewal of license fee;
(c) Inactive license fee; and
(d) Limited permit fee.

54-3712. SUSPENSION AND REVOCATION OF LICENSE -- REFUSAL TO RENEW. (1) Subject to the provisions of chapter 52, title 67, Idaho Code, the board, upon recommendation of the licensure board, may deny a license or refuse to renew a license, or may suspend or revoke a license or may impose probationary conditions if the license or applicant for license has been found guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct includes, but is not limited to:

(a) Obtaining a license by means of fraud, misrepresentation, or concealment of material facts;
(b) Being guilty of unprofessional conduct as defined by the rules established by the board, or violating the code of ethics adopted and published by the board;
(c) Being convicted of a felony by a court of competent jurisdiction;
(d) The unauthorized practice of medicine;
(e) Violating any provisions of this act or any of the rules promulgated by the board under the authority of this act.

(2) A denial, refusal to renew, suspension, revocation, or imposition of probationary conditions upon a license may be ordered by the board after a hearing in the manner provided by the rules adopted by the board. An application for reinstatement may be made to the board one (1) year from the date of the revocation of a license. The board shall (a) accept or reject an application for reinstatement; and (b) hold a hearing to consider such reinstatement.

54-3713. LICENSURE BOARD. (1) The licensure board shall consist of five (5) members appointed by the board, three (3) of whom shall be appointed from recommendations of licensees submitted by the association, except the first licensure board appointments whose members shall be registered occupational therapists (OTR's) or certified occupational therapy assistants (COTA's) eligible to become licensed under this act, all of whom shall be residents of Idaho at the time of their appointment. If recommendations are not made within sixty (60) days of notification and request, the board may make appointments of any qualified individual. The persons appointed to the licensure board who are required to be licensed under this act shall have been engaged in rendering occupational therapy services to the public, teaching, or research in occupational therapy for at least five (5) years immediately preceding their appointments. At least three (3) licensure board members shall be occupational therapists and one (1) of those members may be an occupational therapy assistant. These mem-

bers shall at all times be holders of valid licenses for the practice of occupational therapy in Idaho, except for the members of the first board, all of whom shall fulfill the requirements for licensure of this act. The remaining members shall be members of health professions or members of the public with an interest in the rights of the consumers of health services.

(2) The board, within sixty (60) days following the effective date of this act, shall appoint two (2) licensure board members for a term of one (1) year; two (2) for a term of two (2) years; and one (1) for a term of three (3) years. Appointments made thereafter shall be for three (3) year terms, but no person shall be appointed to serve more than two (2) consecutive terms. Terms shall begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed, except for the first appointed members who shall serve through the last calendar day of the year in which they are appointed, before commencing the terms prescribed in this section.

(3) Within thirty (30) days after the effective date of this act, and annually thereafter, the association may submit at least three (3) and not more than five (5) names for each of the five (5) board positions. In the event of a vacancy in one (1) of the positions the association may recommend, as soon as practical, at least two (2) and not more than three (3) persons to fill that vacancy. The board shall appoint, as soon as practical, one (1) person, who shall fill the unexpired term. If the association does not provide a recommendation, the board shall appoint a person to the unexpired term. The board may remove any licensure board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.

(4) The licensure board shall within sixty (60) days after the effective date of this act, and annually thereafter, hold a meeting and elect a chairman who shall preside at meetings of the licensure board. In the event the chairman is not present at any licensure board meeting, the licensure board may by majority vote of the members present appoint a temporary chairman. A majority of the members of the licensure board shall constitute a quorum. Other meetings may be convened at the call of the chairman or the written request of any two (2) licensure board members.

(5) Each member of the licensure board shall be compensated as provided in section 59-509(h), Idaho Code.

54-3714. BOARD OF MEDICINE AND LICENSURE BOARD -- POWERS AND DUTIES. (1) The board shall administer, coordinate, and enforce the provisions of this act, evaluate the qualifications, and approve the examinations for licensure under this act, and may issue subpoenas, examine witnesses, and administer oaths, and may investigate practices which are alleged to violate the provisions of this act. The licensure board shall conduct examinations of all applicants for licensure and make recommendations to and consult with the board concerning issuance of licenses, revocation of licenses and rules and regulations to be promulgated under this act.

(2) The board shall, upon recommendation of the licensure board,

adopt rules and regulations, pursuant to chapter 52, title 67, Idaho Code, relating to professional conduct to carry out the policy of this act including, but not limited to, regulations relating to professional licensure and to the establishment of ethical standards of practice, disciplinary proceedings, license suspension proceedings, or license revocation proceedings for persons holding a license to practice occupational therapy in this state.

(3) The licensure board shall hold meetings, conduct hearings and keep records and minutes as are necessary to carry out its functions.

54-3715. BOARD OF MEDICINE -- ADMINISTRATIVE PROVISIONS. (1) The executive director of the Idaho state board of medicine shall serve as executive director to the licensure board.

(2) All fees received under the provisions of this act shall be deposited in the state treasury to the credit of the state board of medicine account created by section 54-1809, Idaho Code, and all costs and expenses incurred by the board and licensure 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. In no instance shall the state board of medicine account be obligated to pay any claims which in aggregate with claims already allowed exceed the income to the state board of medicine account which has been derived from the application of this act.

Money paid into the state board of medicine account pursuant to this act is hereby continuously appropriated to the board for expenditure in the manner prescribed herein to defray the expenses of the board and licensure board in carrying out and enforcing the provisions of this act.

54-3716. PENALTIES. Any person who violates any provision of this act shall, upon conviction, be guilty of a misdemeanor.

54-3717. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 23, 1987.

CHAPTER 70
(H.B. No. 2)

AN ACT

RELATING TO AUDITORIUM DISTRICTS; AMENDING SECTION 67-4907, IDAHO CODE, TO PROVIDE LIMITS ON THE TAXING POWER OF CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4909, IDAHO CODE, TO CLARIFY THAT BOOKS AND RECORDS OF AUDITORIUM DISTRICTS ARE OPEN FOR INSPECTION;

AMENDING SECTION 67-4912, IDAHO CODE, TO PROVIDE LIMITS ON THE RIGHTS AND POWERS OF CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4913, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 67-4914, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS, AND TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 67-4915, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4916, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4917, IDAHO CODE, TO LIMIT THE USE OF A SINKING FUND TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4917A, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4917B, IDAHO CODE, TO STRIKE REFERENCE TO AD VALOREM TAX AUTHORITY; AMENDING SECTION 67-4918, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4920, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4921, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4922, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4922A, IDAHO CODE, TO PROVIDE A PROPER CODE REFERENCE; AMENDING SECTION 67-4923, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4924, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AMENDING SECTION 67-4925, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS; AND AMENDING SECTION 67-4929, IDAHO CODE, TO LIMIT AD VALOREM TAX AUTHORITY TO CERTAIN AUDITORIUM DISTRICTS.

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

SECTION 1. That Section 67-4907, Idaho Code, be, and the same is hereby amended to read as follows:

67-4907. HEARINGS ON PETITIONS -- ELECTION FOR ORGANIZATION AND OFFICERS. On the day fixed for such hearing or at an adjournment thereof the court shall ascertain from the tax rolls of the county or counties in which the district is located or into which it extends, the total number of taxpayers within the proposed district, who pay a general tax on real property owned by him or her within the district.

If the court finds that no petition has been signed and presented in conformity with this act, or that the material facts are not as set forth in the petition filed, it shall dismiss said proceedings and adjudge the costs against the signers of the petition in such proportion as it shall deem just and equitable. No appeal or writ of error shall lie from an order dismissing said proceedings; but nothing herein shall be construed to prevent the filing of a subsequent petition or petitions for similar improvements or for a similar district, and the right so to renew such proceedings is hereby expressly granted and authorized.

Any time after the filing of the petition for the organization of

a district and before the day fixed for the hearing thereon, the owner or owners of any real property within the proposed district may file a petition with the court stating reasons why said property should not be included therein, why his land or any part thereof will not be benefited directly or indirectly by the proposed district, or should not be embraced in said district and made liable to taxation therefor, and praying that said property be excluded therefrom. Such petition shall be duly verified and shall describe the property sought to be excluded. The court shall conduct a hearing on said petition and shall hear all objections to the inclusion in the district of any lands described in said petition. In case any owner of real estate included in said proposed district shall satisfy the court that his real estate, or any part thereof, has been wrongfully included therein or will not be benefited thereby then the court shall exclude such real estate as will not be benefited.

Upon said hearing, if it shall appear that a petition for the organization of a district has been signed and presented as hereinabove provided, in conformity with this act, and that the allegations of the petition are true, the court shall, by order duly entered of record, direct that the question of the organization of the district shall be submitted to the qualified electors of the district at an election to be held for that purpose, and such order shall appoint three (3) qualified electors of the district as judges of said election. The clerk of the court having jurisdiction shall give published notice of the time and place of an election to be held in the district, not less than twenty (20) days after the first publication of said notice.

Such election shall be held and conducted as nearly as may be in the same manner as general elections in this state. Each elector shall take an oath that he has the qualifications of an elector before casting his vote.

At any time after the filing of the petition herein referred to and before the day fixed for hearing, nominees for the board of directors of the district may be nominated by the filing of a petition designating the name or names of the nominee or nominees, signed by at least twenty (20) qualified electors of the district. If upon the hearing as herein provided the court shall order an election for the creation of the district, the court shall also ascertain the names of persons nominated by the board of directors, and shall order that the names of persons whom the court finds to have been properly nominated shall be listed upon a ballot submitted to the electors at such election. In the event the court makes its order providing for such election, it shall prescribe the form of the question and ballot relating to the election of the directors, provided that all matters may be contained upon one (1) ballot to be submitted to the voters.

At such election the voters shall vote for or against the organization of the district, and for five (5) qualified electors, who shall constitute the board of directors of the district, if organized, one (1) director to act until the first biennial election, two (2) until the second, and two (2) until the third biennial election.

The judges of election shall certify the returns of the election to the district court having jurisdiction. If a majority of the votes

cast at said election are in favor of the organization, the district court shall declare the district organized and give it a corporate name by which, in all proceedings, it shall thereafter be known, and designated the first board of directors elected, and thereupon the district shall be a governmental subdivision of the state of Idaho and a body corporate with all the powers of a public or quasi-municipal corporation except that districts formed prior to January 1, 1987, or districts with one hundred thousand (100,000) or more population shall have no power to levy and collect ad valorem taxes.

If an order be entered establishing the district, such order shall be deemed final and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and conclusively establish the regular organization of the said district against all persons except the state of Idaho, in an action in the nature of a writ of quo warranto, commenced by the attorney general within thirty (30) days after said decree declaring such district organized as herein provided, and not otherwise. The organization of said district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized.

SECTION 2. That Section 67-4909, Idaho Code, be, and the same is hereby amended to read as follows:

67-4909. ORGANIZATION OF BOARD — ACCOUNTS OF TREASURER -- COMPENSATION OF MEMBERS -- ANNUAL AUDIT -- REMOVAL OF DIRECTORS. After taking oath and filing bonds, the board shall choose one (1) of its members as chairman of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one (1) person. Such board shall adopt a seal and the secretary shall keep, in a well-bound book, a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts which shall be open to inspection ~~of all owners of real property in the district, as well as~~ to all other interested parties.

The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district, in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount not less than five thousand dollars ($5,000), conditioned on the faithful performance of the duties of his office.

Each member of the board shall receive as compensation for his service a sum not in excess of sixty dollars ($60.00) per annum, payable monthly. No member of the board shall receive any compensation as an employee of the district or otherwise, other than that herein provided and no member of the board shall be interested in any contract or transaction with the district except in his official representative capacity.

It shall be the duty of the board of directors to cause an audit to be made of all financial affairs of the district during each year ending November 30th, which audit shall be made during the last month of each calendar year. A financial statement shall be certified by the

person making such audit, which shall be published in a newspaper of general circulation in the district, in one (1) issue during the first week of January following the audit. Such audit shall be made by a registered accountant or certified public accountant, who is not otherwise employed by the district.

The court having jurisdiction of the district shall have the power to remove directors for cause shown, on petition, notice and hearing.

SECTION 3. That Section 67-4912, Idaho Code, be, and the same is hereby amended to read as follows:

67-4912. GENERAL POWERS OF BOARD. For and on behalf of the district the board shall have the following powers:

(a) To have perpetual existence;

(b) To have and use a corporate seal;

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

(d) Except as otherwise provided in this act, to enter into contracts and agreements, cooperative and otherwise, affecting the affairs of the district, including contracts with the United States of America and any of its agencies or instrumentalities, and contracts with corporations, public or private, municipalities, or governmental subdivisions, and to cooperate with any one or more of them in building, erecting or constructing facilities within the district. Except in cases in which a district will receive aid from a governmental agency, a notice shall be published for bids on all construction contracts for work or material, or both, involving an expense of five thousand dollars ($5,000) or more. The district may reject any and all bids, and if it shall appear that the district can perform the work or secure material for less than the lowest bid, it may proceed so to do;

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

(f) To acquire, dispose of and encumber real and personal property, and any interest therein, including leases and easements within said district;

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

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

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

(j) To construct and maintain works and establish and maintain facilities across or along any public street or highway, and in, upon or over any vacant public lands, which public lands are now, or may become, the property of the state of Idaho, and to construct works and establish and maintain facilities across any stream of water or water

course; provided, however, that the district shall promptly restore any such street or highway to its former state of usefulness as nearly as may be, and shall not use the same in such manner as to completely or unnecessarily impair the usefulness thereof;

(k) To fix and from time to time to increase or decrease rates, tolls or charges for services or facilities furnished by the district, and to pledge such revenue for the payment of any indebtedness of the district. The board shall fix rates, tolls and charges;

(l) To petition to enlarge the district by obtaining the consent of not less than ten per cent (10%) of the qualified electors of any area to be so included, and then to follow the procedure set forth herein for creating said district;

(m) To promote any functions for said district, provided that said board shall not engage in operations that are inconsistent with the purpose of said district; and it shall be the policy of the board not to compete with existing facilities and services in the district, wherever practicable;

(n) To adopt and amend by-laws not in conflict with the constitution and laws of the state for carrying on the business, objects and affairs of the board and of the districts;

(o) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein, except that districts formed prior to January 1, 1987, or districts with one hundred thousand (100,000) or more population shall have no power to levy and collect ad valorem taxes. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this act.

SECTION 4. That Section 67-4913, Idaho Code, be, and the same is hereby amended to read as follows:

67-4913. TAXES. In addition to the other means providing revenue for such districts as herein provided, in those districts formed after January 1, 1987, or in those districts with one hundred thousand (100,000) or fewer population, the board shall have power and authority to levy and collect ad valorem taxes on and against all taxable property within the district provided said ad valorem taxes shall not exceed a ~~mill~~ levy of ~~two (2) mills~~ four-hundredths per cent (.04%) of market value for assessment purposes for all levies provided in sections 67-4913, 67-4914, 67-4915, 67-4916 and 67-4917, Idaho Code.

SECTION 5. That Section 67-4914, Idaho Code, be, and the same is hereby amended to read as follows:

67-4914. LEVY AND COLLECTION OF TAXES. To levy and collect taxes as herein provided, the board of a district authorized to levy and collect ad valorem taxes shall, in each year, determine the amount of money necessary to be raised by taxation, taking into consideration other sources of revenue of the district, and shall fix a rate of levy which, when levied upon every dollar of ~~assessed valuation~~ market value for assessment purposes of taxable property within the district, and with other revenues will raise the amount required by the district

annually, to supply funds for paying expenses of organization and the costs of construction, operating and maintaining the works and equipment of the district, and promptly to pay in full, when due, all interest on the principal of bonds and other obligations of the district, and in the event of accruing defaults or deficiencies, an additional levy may be made as provided in section 67-4915. The board shall, on or before the first day of September of each year, certify to the board of county commissioners of each county within the district, or having a portion of its territory within the district, the rate so fixed with directions that at the time and in the manner required by law for levying taxes for county purposes, such board of county commissioners shall levy such tax upon the ~~assessed--valuation~~ market value for assessment purposes of all taxable property within the district, in addition to such other taxes as may be levied by such board of county commissioners at the rate so fixed and determined.

SECTION 6. That Section 67-4915, Idaho Code, be, and the same is hereby amended to read as follows:

67-4915. LEVIES TO COVER DEFAULTS AND DEFICIENCIES. The board of a district authorized to levy and collect ad valorem taxes in certifying annual levies as herein provided, shall take into account the maturing indebtedness for the ensuing year as provided in its contracts, maturing bonds and interest on bonds, and deficiencies and defaults of prior years, and shall make ample provision for the payment thereof. In case the moneys produced from such levies, together with other revenues of the district are not sufficient punctually to pay the annual instalments on its contracts or bonds, and interest thereon, and to pay defaults and deficiencies, then the board shall make such additional levies of taxes as may be necessary for such purposes, and notwithstanding any limitations, such taxes shall be made and continue to be levied until the indebtedness of the district shall be fully paid.

SECTION 7. That Section 67-4916, Idaho Code, be, and the same is hereby amended to read as follows:

67-4916. OFFICERS TO LEVY AND COLLECT TAXES. It shall be the duty of the body having authority to levy taxes within each county, to levy the taxes of a district authorized to levy and collect ad valorem taxes as provided in this act and it shall be the duty of all officials charged with the duty of collecting taxes to collect such taxes at the time and in the form and manner and with like interest and penalties as other taxes are collected and when collected to pay the same to the district ordering its levy and collection, and the payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district.

SECTION 8. That Section 67-4917, Idaho Code, be, and the same is hereby amended to read as follows:

67-4917. SINKING FUND. Whenever any indebtedness has been incurred by a district authorized to levy and collect ad valorem taxes, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating a reserve fund in such amount as the board may determine, which may be used to meet the obligations of the district, for maintenance and operating charges and depreciation, and provide extensions of and betterments to the improvements of the district.

SECTION 9. That Section 67-4917A, Idaho Code, be, and the same is hereby amended to read as follows:

67-4917A. PURPOSES. The purposes of this act are to provide authority to auditorium or community center districts organized under chapter 49, title 67, Idaho Code, to levy and collect a "hotel/motel room sales tax" on the receipts derived by hotels and motels within the district from the furnishing of hotel and motel rooms, except no tax shall be imposed where residence therein is maintained continuously under the terms of a lease or similar agreement for a period in excess of seven (7) days; and to provide for the levy of such sales tax in addition to the levy by a district ~~of~~ authorized to levy and collect ad valorem taxes; and to provide for the collection, administration and remittance of said taxes by the state tax commission on behalf of an auditorium or community center district.

SECTION 10. That Section 67-4917B, Idaho Code, be, and the same is hereby amended to read as follows:

67-4917B. HOTEL/MOTEL ROOM SALES TAX. ~~In addition to the ad valorem taxes and other means of providing revenue for such districts as provided by chapter 49, title 67, Idaho Code, t~~The board shall have power and authority to levy a sales tax of not to exceed five per cent (5%) of the receipts derived by hotels and motels within the district from the furnishing of hotel and motel rooms, except no tax shall be imposed where residence therein is maintained continuously under the terms of a lease or similar agreement for a period in excess of seven (7) days. The levy and collection of said sales tax shall not be subject to the limitations or other provisions of sections 67-4913, 67-4914, 67-4915 and 67-4916, Idaho Code. The revenues received by the district from such sales tax shall be deposited in the depository of the district. Promptly following the adoption by the board of the resolution to levy such tax, the secretary of the board shall certify to the state tax commission that such levy has been adopted and shall state the effective date thereof and shall transmit to the commission a certified copy of such resolution. The effective date of any such levy shall not be earlier than the first day of the month not less than sixty (60) days following certification of such levy to the commission.

SECTION 11. That Section 67-4918, Idaho Code, be, and the same is hereby amended to read as follows:

67-4918. INCLUSION OF PROPERTY PETITIONED -- HEARING -- ORDER.

The boundaries of any district organized under the provisions of this act may be changed in the manner herein prescribed, but the change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever, except that no district organized prior to January 1, 1987, shall ever have the power to levy and collect ad valorem taxes, even though the boundaries of the district may be adjusted to reduce the population of the district to less than one hundred thousand (100,000); nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any such change of boundaries not been made.

SECTION 12. That Section 67-4920, Idaho Code, be, and the same is hereby amended to read as follows:

67-4920. LIABILITY OF PROPERTY INCLUDED OR EXCLUDED. All real property included within, or excluded from, a district authorized to levy and collect ad valorem taxes shall thereafter be subject to the levy of taxes for the payment of any indebtedness of the district outstanding at the time of inclusion or exclusion.

SECTION 13. That Section 67-4921, Idaho Code, be, and the same is hereby amended to read as follows:

67-4921. ISSUANCE OF NEGOTIABLE COUPON BONDS -- FORM AND TERMS. To carry out the purposes of this act, and to pay the necessary and ordinary expenses of ~~the~~ a district authorized to levy and collect ad valorem taxes, the board is hereby authorized to issue negotiable coupon bonds of the district. Bonds shall bear interest at a rate not exceeding that provided by law payable semi-annually, and shall be due and payable serially, either annually or semi-annually, commencing not later than three (3) years and extending not more than thirty (30) years from date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity upon payment of a premium, not exceeding five per centum (5%) of the principal thereof. Said bonds shall be executed in the name of and on behalf of the district and signed by the chairman of the board with the seal of the district affixed thereto and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the chairman of the board.

SECTION 14. That Section 67-4922, Idaho Code, be, and the same is hereby amended to read as follows:

67-4922. SUBMISSION OF PROPOSITION TO ELECTORATE. Whenever any board authorized to levy and collect ad valorem taxes shall, by resolution, determine that the interest of said district and the public interest or necessity demand the acquisition, construction, installation or completion of any works or other improvements or facilities,

or the making of any contract with the United States or other persons or corporations, public or private, municipalities, or governmental subdivisions, to carry out the objects or purposes of said district, requiring the creation of an indebtedness of seventy-five thousand dollars ($75,000) or more, and in any event when the indebtedness will exceed the income and revenue provided for the year, said board shall order the submission of the proposition of issuing such obligations or bonds, or creating other indebtedness to the qualified electors of the district at an election held for that purpose. The declaration of public interest or necessity herein required and the provision for the holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolution shall also fix the date upon which such election shall be held and the manner of holding the same and the method of voting for or against the incurring of the proposed indebtedness. Such resolution shall also fix the compensation to be paid the officers of the election and shall designate the polling place or places, and shall appoint, for each polling place from the electors of the district, the officers of such election, consisting of three (3) judges, one (1) of whom shall act as clerk.

SECTION 15. That Section 67-4922A, Idaho Code, be, and the same is hereby amended to read as follows:

67-4922A. LEASING OF LAND AND IMPROVEMENTS. ~~Provided-n~~No provision ~~of-the-foregoing-section-or-any--other--section~~ of chapter 49, title 67, Idaho Code, shall be construed to prevent the board from entering into a lease for improvements and for real estate for any period in their discretion, not to exceed thirty (30) years, and the board may contract for the leasing of improvements to be constructed upon premises owned by the district or otherwise, and the contract may also provide that at the expiration of the term of the lease, upon full performance of such lease by the district, the improvements and/or real estate, or so much thereof as is leased, may become the property of the district.

SECTION 16. That Section 67-4923, Idaho Code, be, and the same is hereby amended to read as follows:

67-4923. NOTICE OF ELECTION. The board of a district authorized to levy and collect ad valorem taxes shall prescribe the form of the notice of election, and direct the publication of the same, the first publication of said notice to be not less than twenty (20) days prior to the election.

SECTION 17. That Section 67-4924, Idaho Code, be, and the same is hereby amended to read as follows:

67-4924. CONDUCT OF ELECTION -- CANVASS OF RETURNS. The election board or boards of a district authorized to levy and collect ad valorem taxes shall conduct the election in the manner prescribed by law for the holding of general elections, and shall make their returns to the secretary of the district. At any regular or special meeting of the board held within five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared.

SECTION 18. That Section 67-4925, Idaho Code, be, and the same is hereby amended to read as follows:

67-4925. EFFECT OF ELECTION -- SUBSEQUENT ELECTIONS. In the event that it shall appear from said returns that the necessary percentage (as now specified by the constitution of the state of Idaho or as the same may hereafter be amended) of said qualified electors of the district authorized to levy and collect ad valorem taxes who shall have voted on any proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract, or issue and sell such bonds of the district, as the case may be, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder and in the resolution therefor, and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in such resolution. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at subsequent election or elections called for such purpose.

SECTION 19. That Section 67-4929, Idaho Code, be, and the same is hereby amended to read as follows:

67-4929. INCLUSION OR EXCLUSION -- ELECTION PROCEDURE. Whenever under the provisions of sections 67-4918 and 67-4919, Idaho Code, owners or owners in fee of any real property have petitioned for inclusion or exclusion of property within the district, and the petition has been denied, the petitioners shall be entitled to an election as provided in this section:

(a) A petition may be filed with the county commissioners and shall be signed by not less than eighty per cent (80%) of the qualified electors resident within the boundaries of the area proposed to be included or excluded.

(b) Within thirty (30) days after the filing of such petition, the county commissioners shall determine whether or not the same substantially complies with the requirements of this section. If the county commissioners find that there has not been substantial compliance with such requirements, they shall enter an order to that effect specifying the particular deficiencies and dismissing the petition. If the county commissioners find that there has been substantial compliance with such requirements, the county commissioners shall forthwith

enter an order to the effect that the question of the inclusion or exclusion of property within the district be placed on the ballot at the next county general election.

(c) If the county commissioners order a question to be placed on the ballot as provided in this section, such election shall be conducted and notice thereof given as nearly as practicable in accordance with the manner of general elections in this state.

(d) Immediately after such election, the judges at such election shall forward the ballots and results of such election to the clerk. The county commissioners shall canvass the vote within ten (10) days after such election. If one-half (1/2) or more of the votes cast at such election within the district are in favor of allowing the inclusion or exclusion, the county commissioners shall enter an order so finding and declaring that the boundaries of such district are revised as provided by the election. The county commissioners shall cause one (1) certified copy of such order to be filed in the office of the county recorder of such county. Immediately upon the entry of such order, the change in boundaries so ordered shall be complete.

(e) After such election, the validity of the proceedings hereunder shall not be affected by any defect in the petition or in the number or qualifications of the signers thereof, and in no event shall any action be commenced or maintained or defense made affecting the validity of the inclusion or exclusion of such property after six (6) months has expired from the date of entering the order declaring the change in boundaries of such district.

(f) The provisions of section 67-4920, Idaho Code, relating to liability for indebtedness of included or excluded property of a district authorized to levy and collect ad valorem taxes shall apply to property included or excluded as provided in this section.

Approved March 24, 1987.

CHAPTER 71
(H.B. No. 44)

AN ACT

RELATING TO EXEMPTIONS TO THE PUBLIC WORKS CONTRACTORS STATE LICENSE ACT; AMENDING SECTION 54-1903, IDAHO CODE, TO INCLUDE LAND SURVEYORS WHEN ACTING SOLELY IN THEIR PROFESSIONAL CAPACITY; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-1903, Idaho Code, be, and the same is hereby amended to read as follows:

54-1903. EXEMPTIONS. This act shall not apply to: --

(a) An authorized representative of the United States government, the state of Idaho, or any incorporated town, city, county, irrigation

district, reclamation district or other municipal or political corporation or subdivision of this state.

(b) Officers of a court when they are acting within the scope of their office.

(c) Public utilities operating under the jurisdiction of the public utilities commission of the state of Idaho on construction, maintenance and development work incidental to their own business.

(d) The sale or installation of any finished products, materials or articles of merchandise, which are not actually fabricated into and do not become a permanent fixed part of the structure.

(e) Any construction, alteration, improvement or repair of personal property.

(f) Any construction, alteration, improvement or repair carried on within the limits and boundaries of any site or reservation, the title of which rests in the federal government.

(g) Any construction or operation incidental to the construction and repair ~~or~~ of irrigation and drainage ditches of regularly constituted irrigation districts or reclamation districts, except when performed by a person required to be licensed under this act.

(h) Duly licensed architects, ~~and~~ civil engineers, and land surveyors when acting solely in their professional capacity.

(i) Any construction, alteration, improvement or repair involving an estimated cost of less than five thousand dollars ($5,000).

(j) Any construction, operation, alteration or maintenance of a solid waste disposal site including those operated by, for, or at the direction of a city or a county.

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, 1987.

CHAPTER 72
(H.B. No. 84, As Amended in the Senate)

AN ACT

RELATING TO CERTIFIED SHORTHAND REPORTERS; AMENDING SECTION 54-3108, IDAHO CODE, TO REDUCE THE PERIOD OF ISSUE OF CERTIFICATES TO ONE YEAR; AMENDING SECTION 54-3109, IDAHO CODE, TO PROVIDE FOR THE SHOWING OF JUST CAUSE FOR RENEWAL OF A TEMPORARY CERTIFICATE; AMENDING SECTION 54-3110, IDAHO CODE, TO PROVIDE MAXIMUM FEES FOR SPECIFIC FUNCTIONS; AND AMENDING SECTION 54-3112, IDAHO CODE, TO PROVIDE ADDITIONAL REASONS FOR SUSPENSION OR REVOCATION OF CERTIFICATES.

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

SECTION 1. That Section 54-3108, Idaho Code, be, and the same is

hereby amended to read as follows:

54-3108. QUALIFICATIONS -- CERTIFICATION WITHOUT EXAMINATION -- RENEWAL OF CERTIFICATES. (a) Any resident of the state of Idaho who is a citizen of the United States of good moral character, having graduated from an accredited high school or having had an equivalent education, and having passed a reporters' examination as herein provided shall be entitled to receive a certificate as a certified shorthand reporter upon payment of the fees required by this act. All applications shall be in such form as prescribed by the board and filed with the board at least thirty (30) days prior to the announced date of the reporters' examination. The board in its discretion may make such additional investigation and inquiry, or require additional information from the applicant, as it shall deem necessary in determining the qualifications of the applicant. The board shall thereupon notify the applicant as to whether his application to take the reporters' examination is accepted.

(b) Any applicant who was an official court reporter within the state of Idaho upon the effective date of this act and any freelance reporter who has been in the active practice of shorthand reporting for at least one (1) year within the state of Idaho immediately preceding the effective date of this act shall not be required to take or pass the reporters' examination but shall be entitled to a regular certified shorthand reporter certificate upon filing a proper application showing that he possesses the other required qualifications and upon paying the fees required by this chapter.

(c) All regular certified shorthand reporter certificates shall issue for a period of ~~two (2)~~ one (1) years and shall be renewable upon payment of the renewal fee prescribed ~~by this act~~ in section 54-3110, Idaho Code, for an additional periods of ~~two (2)~~ one (1) years.

SECTION 2. That Section 54-3109, Idaho Code, be, and the same is hereby amended to read as follows:

54-3109. QUALIFICATIONS FOR TEMPORARY CERTIFICATION -- RENEWAL. (a) Any resident of the state of Idaho, or person having declared a bona fide intent to immediately become a resident of the state of Idaho, who is a citizen of the United States of good moral character, having graduated from an accredited high school or having had an equivalent education, shall be entitled to a temporary certified shorthand reporter certificate upon proof that he has been licensed in another state as a certified shorthand reporter, or its equivalent, or has otherwise demonstrated his proficiency by a certificate from an agency of another state. The board shall establish by rule the criteria for determining the necessary experience qualifications under this paragraph. The application shall be upon such form as prescribed by the board and the board may in its discretion make additional investigation and inquiry, or require further information from the applicant, as it shall deem necessary in order to make a determination of the qualifications of the applicant. Upon fulfillment of these qualifications the board shall issue a temporary certified shorthand

reporter certificate upon payment of the fees required by this act.

(b) All temporary certified shorthand reporter certificates shall issue for a period of one (1) year and ~~shall~~ may be once renewable for a single additional period of one (1) year upon the payment of the fees ~~required by this act~~ prescribed in section 54-3110, Idaho Code, and upon a showing of just cause.

SECTION 3. That Section 54-3110, Idaho Code, be, and the same is hereby amended to read as follows:

54-3110. FEES. The board shall be entitled to charge and collect the following fees:

(a) The sum of twenty-five dollars ($25.00) as an application fee for any temporary or regular certificate.

(b) The sum of twenty-five dollars ($25.00) as an examination fee for the administration of the reporters' examination to any applicant.

(c) ~~The~~ A sum ~~of twenty~~ not to exceed forty dollars ($~~25~~40.00) as a renewal fee for any regular or temporary certificate.

(d) ~~The~~ A sum ~~of twenty-five~~ not to exceed forty dollars ($~~25~~40.00) as a reinstatement fee for any application for reinstatement of a temporary or regular certificate which has been revoked or suspended.

SECTION 4. That Section 54-3112, Idaho Code, be, and the same is hereby amended to read as follows:

54-3112. SUSPENSION AND REVOCATION OF CERTIFICATION. A temporary or regular certified shorthand reporter certificate may be suspended or revoked for any of the following reasons:

(a) Conviction of a felony or a misdemeanor involving moral turpitude. The record of conviction, or a certified copy thereof, shall be prima facie evidence of conviction in such cases.

(b) Fraud or misrepresentation resorted to in obtaining a certificate thereunder.

(c) Fraud, dishonesty, corruption, wilful violation of duty, gross incompetency in practice or unprofessional conduct in performing services as a certified shorthand reporter.

(d) Persistent failure to perform duties.

(e) Any physical or mental disability materially interfering with the performance of duties.

Approved March 24, 1987.

CHAPTER 73
(H.B. No. 113)

AN ACT

RELATING TO BOARD OF POLICE RETIREMENT FUND COMMISSIONERS; AMENDING SECTION 50-1504, IDAHO CODE, TO PROVIDE THAT POLICE DEPARTMENT

RETIREES MAY SERVE ON THE BOARD, TO DEFINE A PARTICIPATING MEMBER, TO FURTHER CLARIFY BOARD MEMBERSHIP UNDER CERTAIN CONDITIONS, TO PROVIDE THAT MEMBERS MAY PARTICIPATE BY MAIL IN THE ELECTION PROCESS OF THE FUND, AND TO PROVIDE THAT THE SECRETARY OF THE FUND MAY BE APPOINTED AS AN ELECTION CLERK.

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

SECTION 1. That Section 50-1504, Idaho Code, be, and the same is hereby amended to read as follows:

50-1504. BOARD OF POLICE RETIREMENT FUND COMMISSIONERS -- ELECTION -- TERM OF OFFICE -- DUTIES. The city council of any city, having elected to establish a policeman's retirement fund, together with three (3) members of the police department, shall constitute the board of police retirement fund commissioners. Each police department member, to be eligible for board membership, must be (a) a participating member of the fund; and (b) either on active duty or retired from the department and drawing benefits from the fund. For the purposes of this section "participating member" means any active member of the police department who contributes to the fund, or any retired member of the police department who receives benefits from the fund. The three (3) members from the police department shall be elected at an election held every two (2) years after the adoption of the provisions of sections 50-1501 through 50-1524, Idaho Code, and in the manner herein provided. In the event that the number of participating members eligible for board membership is limited to two (2) or fewer, a member may hold more than one (1) position on the board simultaneously.

Not more than thirty (30) nor less than fifteen (15) days preceding the date fixed by law for general city elections, written notice of the nomination of any participating member of said police department for membership on said board may be filed with the secretary thereof. Each petition of nomination shall be signed by not less than three (3) participating members of said police department, and nothing herein contained shall prevent any participating member of a police department from signing more than three (3) petitions of nomination. Said election shall be held on a date fixed by the secretary of the board, and shall not be less than five (5) days nor more than ten (10) days before the date fixed by the law for the election as aforesaid. Notices of the dates upon which said petitions may be filed and of the date fixed for the election of members to said board shall be given by the secretary by posting written notices thereof in a prominent place in the police headquarters of said city and by mailing written notices to each participating fund member. For the purpose of said election, the secretary shall prepare and furnish by mail printed or typewritten ballots in the usual form, containing the names of all persons regularly nominated for membership. Each participating member of said police department shall be entitled to vote in person or by mail for three (3) persons as members of said board. The chief of police of ~~said~~ the department shall appoint two (2) members of ~~said~~ the department, one (1) of which may be the secretary of the fund, to

act as clerks at ~~said~~ the election, which shall open at 8 o'clock A.M., and remain open so long thereafter, not exceeding twelve (12) hours, as will afford an opportunity for each person entitled to vote. The three (3) nominees receiving the highest number of votes in ballots cast in person and by mail in said election shall be declared elected and their terms shall commence on the same date as that of the mayor of said city.

Said board shall provide for the disbursement of such retirement fund and shall designate the beneficiaries thereof as provided in sections 50-1501 through 50-1524, Idaho Code.

Approved March 24, 1987.

CHAPTER 74
(H.B. No. 33)

AN ACT

RELATING TO THE IDAHO COMMISSION FOR THE BLIND; AMENDING SECTION 67-5402, IDAHO CODE, TO PROVIDE A DEFINITION OF BLIND PERSON; AMENDING SECTION 67-5405, IDAHO CODE, TO PROVIDE FOR THE ORGANIZATION OF THE COMMISSION, TO PROVIDE FOR FUNCTIONS OF THE COMMISSION, TO STRIKE REFERENCE TO CERTAIN PERSONNEL, AND TO PROVIDE FOR THE DUTIES OF AN ADMINISTRATOR OF THE COMMISSION; AMENDING SECTION 67-5409, IDAHO CODE, TO PROVIDE FOR QUALIFICATIONS OF THE ADMINISTRATOR AND TO PROVIDE FOR DUTIES OF THE ADMINISTRATOR; AND AMENDING SECTION 67-5412, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE.

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

SECTION 1. That Section 67-5402, Idaho Code, be, and the same is hereby amended to read as follows:

67-5402. DEFINITIONS. As used in this act, unless the context otherwise requires:

(1) "Commission" means the Idaho commission for the blind.

(2) "Blind person" means any person ~~who by reason of loss or impairment of their vision has a substantial handicap to employment which shall include: Any person~~ whose visual acuity with correcting lenses does not exceed 20/200 in the better eye, or whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20 degrees, or there exists the medically documented opinion that an individual is functionally blind.

(3) "Prevention of blindness and sight restoration" means treatment or operations to prevent blindness or restore vision to applicants or recipients of services to the blind without financial resources to procure such services for themselves, who request and make written application for such treatment or operation.

SECTION 2. That Section 67-5405, Idaho Code, be, and the same is

hereby amended to read as follows:

67-5405. ORGANIZATION OF COMMISSION -- EMPLOYMENT OF ~~NECESSARY PERSONNEL~~ ADMINISTRATOR. The commission shall elect a chairman and a vice chairman, who shall function as the policy setting entity of the commission programs and shall~~,--subject-to-the--provisions--of--chapter 53,-title-67,-Idaho-Code,~~ employ and fix the compensation of ~~such-personnel--as--may-be-necessary,-including-but-not-limited-to~~ a full-time administrator~~,-who-shall-be-designated-as-the--executive--director--of the--commission-and~~ who shall serve as its secretary, and who shall be the chief administrative officer of the commission.

SECTION 3. That Section 67-5409, Idaho Code, be, and the same is hereby amended to read as follows:

67-5409. QUALIFICATIONS FOR THE ~~EXECUTIVE-DIRECTOR~~ ADMINISTRATOR AND OTHER EMPLOYEES. The ~~executive-director~~ administrator of the commission shall be experienced in work for the blind and preference shall be given to equally qualified blind persons in filling the position of ~~executive-director~~ administrator of the commission.

~~All~~ The administrator shall, subject to the provisions of chapter 53, title 67, Idaho Code, employ and fix the compensation of all other employees of the commission who shall be directly responsible to the ~~executive-director~~ administrator of the commission.

Professional employees shall consist of persons skilled in assisting blind persons to achieve social and economic independence.

SECTION 4. That Section 67-5412, Idaho Code, be, and the same is hereby amended to read as follows:

67-5412. ~~EXECUTIVE-DIRECTOR~~ ADMINISTRATOR TO PREPARE A STATE PLAN FOR VOCATIONAL REHABILITATION OF THE BLIND. The ~~executive-director~~ administrator of the commission shall prepare a state plan for vocational rehabilitation of the blind and after approved by the commission shall submit the same to the United States ~~office--of--vocational rehabilitation~~ department of education pursuant to the requirements of the Rehabilitation Act of 1973, as amended, P.L. 99-506, 99th Congress, for approval.

Approved March 24, 1987.

CHAPTER 75
(H.B. No. 73)

AN ACT

RELATING TO THE ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN SINGLE COUNTY-WIDE DISTRICTS; AMENDING SECTION 34-625, IDAHO CODE, TO CONFORM FILING TIME LIMITS WITH GENERAL ELECTION REQUIREMENTS.

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

SECTION 1. That Section 34-625, Idaho Code, be, and the same is hereby amended to read as follows:

34-625. ELECTION OF HIGHWAY DISTRICT COMMISSIONERS IN SINGLE COUNTY-WIDE DISTRICTS -- QUALIFICATIONS. (1) In each general election, highway district commissioners in single county-wide districts shall be elected as provided for in section 40-1404, Idaho Code.

(2) No person shall be elected to the office of highway district commissioner unless he shall have attained the age of eighteen (18) years at the time of his election, is a citizen of the United States, and shall be a resident of the highway district commissioners subdistrict for which he seeks office.

(3) Each candidate shall file a declaration of candidacy with the county clerk not more than ninety (90) days nor less than ~~forty-five (45)~~ sixty (60) days prior to the general election. Each declaration of candidacy shall also bear the following words: "I am a resident within the boundaries of Highway District Commissioners Subdistrict Number ....."

(4) Each candidate who files a declaration of candidacy shall at the same time pay a filing fee of ten dollars ($10.00) which shall be deposited in the county current expense fund.

Approved March 24, 1987.

CHAPTER 76
(H.B. No. 97)

AN ACT

RELATING TO THE POWERS OF THE DIRECTOR OF THE DEPARTMENT OF FINANCE ON THE CLOSING OF A BANK; AMENDING SECTION 26-1008, IDAHO CODE, TO DELETE THE REQUIREMENT THAT A CLOSED BANK BE A PARTY TO THE SALE OF THE BANK AT A HEARING BEFORE THE COURT AND RECEIVE A FIVE DAY NOTICE OF THE APPLICATION.

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

SECTION 1. That Section 26-1008, Idaho Code, be, and the same is hereby amended to read as follows:

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

and the speedy and economical liquidation of the assets and affairs of such bank and the payment of its creditors, or for the reopening and resumption of business by said bank, where that is in his discretion practicable or desirable.

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

Approved March 24, 1987.

CHAPTER 77
(H.B. No. 204)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS IN ADDITION TO THE APPROPRIATION MADE BY SECTION 2, CHAPTER 280, LAWS OF 1986; 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 280, Laws of 1986, there is hereby appropriated to the Department of Lands the following amount to be expended for the named program according to the designated expense classes from the listed account for the period July 1, 1986, through June 30, 1987:

A. LAND, RANGE AND MINERAL RESOURCE MANAGEMENT:

FOR:	
Personnel Costs	$17,000
Operating Expenditures	73,000
TOTAL	$90,000
FROM:	
10 % Recreation Lease Account	$90,000

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 24, 1987.

CHAPTER 78
(H.B. No. 40)

AN ACT

RELATING TO MUTUAL BENEFIT ASSOCIATIONS; REPEALING CHAPTER 30, TITLE 41, IDAHO CODE, RELATING TO MUTUAL BENEFIT ASSOCIATIONS FORMED IN IDAHO.

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

SECTION 1. That Chapter 30, Title 41, Idaho Code, be, and the same is hereby repealed.

Approved March 24, 1987.

CHAPTER 79
(H.B. No. 74)

AN ACT

RELATING TO CONTRACTS AND BIDS OF HIGHWAY DISTRICTS; AMENDING SECTION 40-907, IDAHO CODE, TO PROVIDE FOR ADVERTISEMENT OF BID INVITATIONS; AMENDING SECTION 40-908, IDAHO CODE, TO PROVIDE FOR A BIDDER'S SECURITY; AMENDING SECTION 40-909, IDAHO CODE, TO STRIKE REFERENCE TO A BIDDER'S SECURITY; AMENDING SECTION 40-910, IDAHO CODE, TO PROVIDE FOR DUTIES OF COMMISSIONERS WHEN A CONTRACT IS NOT PERFORMED; AMENDING SECTION 40-911, IDAHO CODE, TO PROVIDE FOR THE AWARD OF A CONTRACT TO THE NEXT LOWEST RESPONSIBLE BIDDER; AMENDING SECTION 40-912, IDAHO CODE, TO PROVIDE FOR THE REJECTION OF BIDS; AMENDING SECTION 40-913, IDAHO CODE, TO PROVIDE FOR COMPLETION OF A PROJECT FOR WHICH NO BIDS WERE RECEIVED; AND REPEALING SECTIONS 40-914 AND 40-915, IDAHO CODE.

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

SECTION 1. That Section 40-907, Idaho Code, be, and the same is hereby amended to read as follows:

40-907. PUBLICATION OF NOTICE -- DOCUMENTS TO BE MADE AVAILABLE. The advertisement inviting bids shall set a date, time and place for the opening of bids. The first publication of the ~~notice~~ advertisement inviting bids shall be at least two (2) weeks before the date of opening the bids. ~~Notice~~ The advertisement inviting bids shall be published at least twice, not less than one (1) week apart, in a newspaper of general circulation printed and published in the county, or if there is none, it shall be published in a newspaper having general circulation in the district. The ~~notice~~ advertisement inviting bids shall succinctly set forth the ~~project~~ scope of work to be done. The following documents shall be made available by the county or highway

district commissioners~~;--free-of-charge~~ to any interested bidder: bid form, bidder's instructions, contract documents with general and special instructions when appropriate, and drawings and specifications when appropriate.

SECTION 2. That Section 40-908, Idaho Code, be, and the same is hereby amended to read as follows:

40-908. SECURITY -- AMOUNT. (1) All bids shall be presented or otherwise delivered under sealed cover to ~~the-secretary-of~~ the county or highway district ~~commissioners,~~ with a concise statement marked on the outside generally identifying the expenditure to which the bid pertains. The county or district may require that all bids shall contain one (1) of the following forms of bidder's security:

(a) Cash;

(b) Cashier's check made payable to the county or district;

(c) A certified check made payable to the county or district; or

(d) A bidder's bond executed by a qualified surety company, made payable to the county or district.

(2) If a bidder's security is required it shall be in an amount equal to at least five per cent (5%) of the amount bid. A bid shall not be considered unless one (1) of the forms of bidder's security, if required, is enclosed with it and the bid is submitted in a form which substantially complies with the form provided by the county or district.

SECTION 3. That Section 40-909, Idaho Code, be, and the same is hereby amended to read as follows:

40-909. OPENING OF BIDS. Any bid received by a county or district may not be withdrawn after the time set in the notice for opening of bids. All bids received must be opened at the time and place set in the notice inviting bids, and no person shall be denied the right to be present at the opening of those bids. If any award is made, it must be made within thirty (30) days of the date of opening bids~~;--and-the cash-or-proceeds-of-the-successful-bidder's-security-shall--be--deposited-in-the-fund-out-of-which-the-expenses-of-preparation-and-printing of-the-plans-and-specifications,-estimates-of-costs-and-publication-of notice-are-paid.~~

SECTION 4. That Section 40-910, Idaho Code, be, and the same is hereby amended to read as follows:

40-910. FAILURE TO EXECUTE CONTRACT -- DUTY OF COMMISSIONERS. (1) If the successful bidder fails to execute the contract, within the time prescribed therefor, the amount of his bidder's security shall be forfeited to the county or district.

(2) The commissioners of the county or district, upon learning that ~~any-of-the-public-highways-are-not--repaired--and--kept--in--good order--by--anyone-contracting-to-do-so-in~~ a contract is not being performed in conformance with the requirements of a contract with the county or district, has the power and ~~shall~~ may cause the work to be

done by ~~placing labor on the highways~~ other means. The expense incurred to correct and/or complete the work shall be retained from any amount that may be due the contractor on his contract, and should that be insufficient or nothing be due on it, the deficiency or whole amount as the case may be, shall be collected from ~~his bondsmen, as other liabilities. Each highway commissioner shall act only within his commissioner district, except at the regular meetings of the respective county or district board~~ the contractor and/or the contractor's surety.

SECTION 5. That Section 40-911, Idaho Code, be, and the same is hereby amended to read as follows:

40-911. AWARDING OF CONTRACT TO NEXT LOWEST ~~AND BEST~~ RESPONSIBLE BIDDER ON REFUSAL OR FAILURE TO EXECUTE CONTRACT -- APPLICATION OF ~~PART OF~~ LOWEST BIDDER'S SECURITY. The county or district may, on refusal or failure of the ~~successful~~ lowest responsible bidder to execute the contract, award ~~it~~ the contract to the next lowest ~~and best~~ responsible bidder. If the county or highway district commissioners award the contract to the next lowest ~~and best~~ responsible bidder, the amount of the lowest ~~and best~~ responsible bidder's security shall be ~~applied by~~ forfeited to the county or district ~~to the difference between the lowest and best bid, and the next lowest and best bid. The surplus if any shall be returned to the lowest and best bidder if cash or a check is used, or to the surety on the bidder's bond if a bond is used.~~

SECTION 6. That Section 40-912, Idaho Code, be, and the same is hereby amended to read as follows:

40-912. REJECTION OF BIDS. County or highway district commissioners may reject any or all bids presented ~~but then must readvertise~~. If two (2) or more bids are the same and the lowest ~~and best~~ responsible bids, the respect~~ive com~~missioners may ~~accept~~ award the contract to the one they choose. If no bids are received, the respective commissioners may make the expenditure without further complying with the provisions of this chapter.

SECTION 7. That Section 40-913, Idaho Code, be, and the same is hereby amended to read as follows:

40-913. RESOLUTION FOR USE OF DAY LABOR -- MATERIALS OR SUPPLIES PURCHASED ON THE OPEN MARKET. After twice rejecting all bids received for the same project, the county or district commissioners may, after preparing a cost estimate and finding it to be a fact, pass a resolution declaring that the project can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution it may have the project accomplished in the manner stated. ~~It shall be~~ The work performed or the materials or supplies provided shall be in accordance with the same plans and specifications upon which the bids were based. A complete and accurate record shall be kept of the cost of performing

the work and this cost record shall be in a form that allows easy comparison with the cost estimate. The record shall show the totals of all classes and kinds of work performed, the total cost and unit cost of each class, together with the costs of executing the work including the costs of labor, material, equipment purchased, rental of equipment, ~~industrial~~ insurance ~~and medical aid~~, fringe benefits, superintendence and all other overhead allocable to that ~~work~~ project, including the reasonable value of the use of equipment owned by the county ~~system~~ or district.

SECTION 8. That Sections 40-914 and 40-915, Idaho Code, be, and the same are hereby repealed.

Approved March 24, 1987.

CHAPTER 80
(H.B. No. 98)

AN ACT

RELATING TO THE POWERS OF CREDIT UNIONS; AMENDING SECTION 26-2108, IDAHO CODE, TO PROVIDE THAT CREDIT UNIONS SHALL HAVE POWER TO SELL AND PURCHASE ALL OR PART OF THE ASSETS OF A CREDIT UNION AND ASSUME THE LIABILITIES OF A SELLING CREDIT UNION SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE DEPARTMENT OF FINANCE.

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

SECTION 1. That Section 26-2108, Idaho Code, be, and the same is hereby amended to read as follows:

26-2108. CORPORATE POWERS. A credit union shall have power to:

(a) Make contracts.

(b) Sue and be sued in the name of the credit union.

(c) Adopt and use a common seal and alter same at pleasure.

(d) Own, hold or use any real property or any interest therein as provided in section 26-2109, Idaho Code.

(e) May require the payment of an entrance or membership fee, not to exceed one dollar ($1.00), of any applicant admitted to membership.

(f) Receive from its members payments on shares and deposits, including the right to conduct Christmas share clubs, vacation clubs, and other such thrift organizations within the membership.

(g) Lend its funds to its members as hereinafter provided.

(h) Purchase insurance on the lives of its members in an amount equal to their respective share and loan balances.

(i) Borrow from any financial institution or individuals in an aggregate amount not to exceed fifty per cent (50%) of its members'

shares and deposits.

(j) May invest any surplus funds in such investments as provided for in this chapter.

(k) Make deposits in federally insured banks and savings and loan companies in Idaho, in state or federally chartered credit unions in Idaho and in the Idaho Corporate Credit Union.

(l) Hold membership in other state or federally chartered credit unions in Idaho, in the Idaho Credit Union League, in the Idaho Corporate Credit Union and in other organizations composed of credit unions approved by the director.

(m) Declare dividends on members' shares and fix the rates on interest paid on members' certificates of deposit, nonmembers' certificates of indebtedness, and other thrift accounts as provided for in this chapter.

(n) Fine members for failure to meet punctually obligations to such credit union;

(o) In the event of default, impress a lien upon the shares and deposits and accumulation of dividends and interest of any member to the extent of any loans made to him directly or indirectly, or on which he is surety and for any dues or charges or fines payable by him; the credit union shall also have the right of setoff with respect to every such account.

(p) Relocate its head office or branches and the location of its books and records upon written notice to the director.

(q) Collect, receive and disburse monies in connection with sales of travelers' checks, money orders and for such other purposes as may provide convenience or benefit for its members.

(r) Exercise such incidental powers as are necessary to carry on the business for which it is incorporated not inconsistent with the provisions of this chapter.

(s) Form and operate a credit union service corporation as provided in section 26-2147, Idaho Code.

(t) Provide for its members, share and deposit accounts from which the member may withdraw funds by the use of a negotiable instrument.

(u) Participate in systems which allow the transfer of credit union funds or the shares or deposits of members by electronic means and hold membership in automated clearing house associations or corporations.

(v) Sell all or part of its assets to another credit union, to purchase all or part of the assets of another credit union and to assume the liabilities of the selling credit union and those of its members subject to the approval of the director.

Approved March 24, 1987.

CHAPTER 81
(H.B. No. 41)

AN ACT

RELATING TO "SOLICITATION PERMIT"; AMENDING SECTION 41-2806, IDAHO CODE, BY CORRECTING THE REFERENCE TO BLUE SKY LAW.

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

SECTION 1. That Section 41-2806, Idaho Code, be, and the same is hereby amended to read as follows:

41-2806. PERMIT REQUIRED TO OFFER SECURITIES OR TO SOLICIT QUALIFYING APPLICATIONS FOR INSURANCE -- PENALTY. (1) No person forming or proposing to form, or to secure funds or assets for the financing of, an insurer, or insurance holding corporation, or corporation to finance an insurer, or corporation to be attorney in fact for a reciprocal insurer, or a syndicate, association, firm, partnership, or organization for any such purposes, whether domestic or foreign, shall in this state advertise or offer for sale any securities, or solicit or receive any funds, assets, subscriptions, or memberships on account thereof except as authorized by a currently effective permit (hereinafter sometimes referred to as a "solicitation permit") issued by the director of the department of finance pursuant to the applicable provisions of chapter ~~184~~, title ~~26~~ 30, Idaho Code, (Blue Sky Law) and of this code; and the director of the department of finance shall not issue or allow any such permit to exist, without the written concurrence therein of the director of the department of insurance.

(2) No person forming or proposing to form a domestic mutual insurer and to secure applications for insurance in such insurer to meet initial qualifying requirements for the insurer as provided in section 41-2820, Idaho Code, shall in this state advertise, solicit, or receive any such applications or premiums or funds therefor or connected therewith except as authorized by a currently effective solicitation permit issued by the director under this chapter. Any such solicitation permit may be made a part of any permit otherwise required as to the insurer under subsection (1) above.

(3) This section shall not apply as to securities to be offered pursuant to a plan for mutualization, merger, consolidation, exchange of stock, or bulk reinsurance of an insurer which has been approved by the director pursuant to sections 41-2854 through 41-2858 ~~of--this chapter~~, Idaho Code.

(4) Any person violating this section shall upon conviction thereof be subject to a fine of not more than ten thousand dollars ($10,000) or imprisonment for not more than ten (10) years, or by both such fine and imprisonment.

Approved March 24, 1987.

CHAPTER 82
(H.B. No. 78)

AN ACT
RELATING TO THE TAX ON FUELS; AMENDING SECTION 63-2401, IDAHO CODE, TO FURTHER DEFINE THE TERM GASOHOL.

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. 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. "Gasohol" also means a motor fuel containing a mixture of at least ten percent (10%) blend anhydrous ethanol manufactured in another state from agricultural or forest products or wastes of those products, provided that the other state extends a tax exemption, credit or preferential rate of taxation for the sale in that state of gasohol 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.

(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.

(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.

(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.

(17) "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.

(18) "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.

(19) "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.

(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.

(21) "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.

Approved March 24, 1987.

CHAPTER 83
(H.B. No. 107)

AN ACT

RELATING TO PORT DISTRICT PURCHASING PROCEDURES; AMENDING SECTION 70-1612, IDAHO CODE, TO RAISE THE MINIMUM DOLLAR AMOUNT ON WHICH COMPETITIVE BIDS ARE REQUIRED AND TO EXCLUDE USED PERSONAL PROPERTY FROM COMPETITIVE BIDDING REQUIREMENTS.

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 ~~ten~~ twenty-five thousand dollars ($~~10~~25,000) 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 ~~ten~~ twenty-five thousand dollars (~~$10~~25,000), 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.

(3) The provisions of subsection (1) of this section shall not apply to the purchase or acquisition of used personal property.

Approved March 24, 1987.

CHAPTER 84
(H.B. No. 8, As Amended)

AN ACT

RELATING TO THEFT; AMENDING SECTION 18-2407, IDAHO CODE, TO PROVIDE CLARIFICATION OF THE CRIME OF THEFT OF LIVESTOCK; AND AMENDING SECTION 18-2408, IDAHO CODE, TO PROVIDE PUNISHMENT FOR THE CRIME OF THEFT OF LIVESTOCK.

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

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

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

(1) Grand theft.

(a) A person is guilty of grand theft when he commits a theft as defined in this chapter and when the property, regardless of its nature and value, is obtained by extortion committed by instilling in the victim a fear that the actor or another person will:

1. Cause physical injury to some person in the future; or
2. Cause damage to property; or
3. Use or abuse his position as a public servant by engaging in conduct within or related to his official duties, or by failing or refusing to perform an official duty, in such manner as to affect some person adversely.

(b) A person is guilty of grand theft when he commits a theft as

as defined in this chapter and when:

1. The ~~property is not livestock and the~~ value of the property taken exceeds one hundred fifty dollars ($150); or

2. The property consists of a public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant; or

3. The property consists of a credit card; or

4. The property, regardless of its nature or value, is taken from the person of another; or

5. The property, regardless of its nature and value, is obtained by extortion; or

6. The property consists of one or more firearms, rifles or shotguns; or

7. ~~(i)~~ The property ~~consists of livestock of a value of at least one thousand dollars ($1,000) or consists of two (2) or more head of livestock, irrespective of value. livestock includes~~ taken is livestock exceeding one hundred fifty dollars ($150) in value including but not limited to any horse, mare, gelding, cow, steer, bull, calf, mule, jack, goat, jenny, sheep, hog, or domestic fur-bearing animal of any breed or cross thereof except a dog or cat, when in captivity and owned or held for the purpose of breeding or of fur production, or in the case of cattle, sheep, or hogs, the butchering and taking of the meat products thereof.

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

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

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

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

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

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

court shall assess civil damages as provided in section 25-1910, Idaho Code.

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

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

Approved March 24, 1987.

CHAPTER 85
(H.B. No. 58)

AN ACT

RELATING TO POWERS OF POLICEMEN AND PEACE OFFICERS; AMENDING SECTION 50-209, IDAHO CODE, TO PROVIDE AUTHORITY TO CITY POLICEMEN TO GO BEYOND CORPORATE OR GEOGRAPHICAL LIMITS WHILE IN FRESH PURSUIT OF PERSONS WHO HAVE COMMITTED A TRAFFIC INFRACTION AND CITE THEM; AMENDING SECTION 19-701A, IDAHO CODE, TO PROVIDE AUTHORITY TO PEACE OFFICERS TO GO ANYWHERE IN THIS STATE WHILE IN FRESH PURSUIT OF PERSONS WHO HAVE COMMITTED A TRAFFIC INFRACTION AND CITE THEM; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 50-209, Idaho Code, be, and the same is hereby amended to read as follows:

50-209. POWERS OF POLICEMEN. The policemen of every city, should any be appointed, shall have power to arrest all offenders against the law of the state, or of the city, by day or by night, in the same manner as the sheriff or constable. Whenever such policemen shall be in fresh pursuit of any offender against any law of the state <u>including traffic infractions,</u> or of the city and the offense has been committed within the corporate limits of such city, such policemen, while in such fresh pursuit may go beyond the corporate or geographical limits of such city subject to the provisions of chapter 7, title 19, Idaho Code, for the purpose of making such arrest <u>or citation.</u>

SECTION 2. That Section 19-701A, Idaho Code, be, and the same is hereby amended to read as follows:

19-701A. OFFICER OF THIS STATE IN FRESH PURSUIT OF SUSPECTED

FELON. Any peace officer of this state in fresh pursuit of a person who is reasonably believed by him to have committed a felony in this state or has committed, or attempted to commit, any criminal offense or traffic infraction in this state in the presence of such officer, or for whom a warrant of arrest is outstanding for a criminal offense, shall have authority to pursue, arrest and hold in custody or cite such person anywhere in this state. All privileges and immunities from liability, exemption from law, ordinances and rules, all pension relief, disability, workmen's compensation, and other benefits which normally apply to peace officers while they perform their duties in their own jurisdiction shall also apply to them when acting as contemplated above. In addition, this protection shall also be applicable when a peace officer is acting in response to a request for assistance out of his employing jurisdiction. The cost of this protection shall be borne by the individual peace officer's employing jurisdiction.

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 24, 1987.

CHAPTER 86
(H.B. No. 77)

AN ACT

RELATING TO THE DETERMINATION AND COLLECTION OF STATE TAXES AND TO LICENSES TO RETAIL LIQUOR BY THE DRINK; AMENDING SECTION 63-3045A, IDAHO CODE, TO DELETE ERRONEOUS TERMINOLOGY AND TO PROVIDE A DEFINITION OF THE ASSESSMENT OF INCOME TAXES; AMENDING SECTION 63-3051, IDAHO CODE, TO PROVIDE THE PROCEDURE FOR CREATION OF A STATE TAX LIEN; REPEALING SECTION 63-3052, IDAHO CODE; AMENDING SECTION 63-3064, IDAHO CODE, TO AUTHORIZE A COURT, UPON APPLICATION OF THE TAX COMMISSION, TO ENJOIN VIOLATION OF STATE TAX ACTS; AMENDING SECTION 63-3065, IDAHO CODE, TO AUTHORIZE THE TAX COMMISSION TO EMPLOY A COLLECTION AGENCY OR ATTORNEY TO COLLECT TAXES FROM TAXPAYERS OWNING PROPERTY OR EMPLOYED OUTSIDE THE STATE AND TO BE PAID SERVICE FEES OUT OF MONEYS COLLECTED; AND AMENDING SECTION 23-950, IDAHO CODE, TO RESTRICT RENEWAL OR TRANSFER OF A LIQUOR LICENSE FOLLOWING ASSESSMENT OF STATE TAXES ACCRUED BY THE LICENSED PREMISES, TO DELETE THE REQUIREMENT THAT A WARRANT BE ISSUED FOR THE TAXES AND TO ELIMINATE, AS REDUNDANT, AUTHORIZATION TO SUBJECT A LIQUOR LICENSE TO LEVY AND DISTRAINT.

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

SECTION 1. That Section 63-3045A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3045A. MATHEMATICAL ERROR -- ASSESSMENT OF TAX. (a) In the event that the amount of tax is understated on the taxpayer's return due to a mathematical error, the state tax commission shall notify the taxpayer that an amount of tax in excess of that shown on the return is due and has been asserted. Such a notice of additional tax due shall not be considered a notice of a deficiency **assessment** nor shall the taxpayer have any right of protest or appeal as in the case of a deficiency **assessment** based on such notice, and the assessment and collection of the amount of tax erroneously omitted in the return is not prohibited by any provision of this act.

(b) The amount of tax which is shown to be due on the return (including revisions for mathematical errors) shall be deemed to be assessed on the date of filing of the return including any amended returns showing an increase of tax. In the case of a return properly filed without the computation of the tax, the tax computed by the state tax commission shall be deemed to be assessed on the date when payment is due. Any amount paid as a tax or in respect of a tax, other than amounts withheld at the source or paid as estimated income tax, shall be deemed to be assessed upon the date of receipt of payment, notwithstanding any other provisions of this act.

(c) For all other purposes of this act, a tax is deemed assessed when a taxpayer fails to file a protest with the state tax commission or an action in district court within the time prescribed in subsection (a) of section 63-3045.

SECTION 2. That Section 63-3051, Idaho Code, be, and the same is hereby amended to read as follows:

63-3051. PROPERTY SUBJECT TO LIEN. (a) If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount of such tax, including any interest, penalty, additional amount, or addition to such tax, together with any costs that may accrue in addition thereto, shall be a lien in favor of the state of Idaho upon all property and rights to property, whether real or personal, belonging to such person or acquired afterwards and before the lien expires. Such lien shall not be valid as against any mortgagee or other lienholder, pledgee, secured party, purchaser, or judgment ~~creditor~~ lienor until notice thereof has been filed in the office of the recorder of the county in ~~the~~ this state within which the property subj~~ect to lien~~ is situated.

(b) The notice of lien shall specify the tax period, and the amount of tax, penalty, interest and additional amount due. It shall contain the name and last known address of the taxpayer liable for the amount thereof, an identification number and a statement to the effect that the state tax commission has complied with all the provisions of this act in the determination of the amount required to be paid.

(c) The lien may, within five (5) years from the date of filing for record of notice of lien, be extended by filing for record a new notice of lien in the office of the county recorder of any county, and from the time of such filing the lien shall be extended only to the real property of the taxpayer in such county for five (5) years, unless fully released or otherwise discharged.

SECTION 3. That Section 63-3052, Idaho Code, be, and the same is hereby repealed.

SECTION 4. That Section 63-3064, Idaho Code, be, and the same is hereby amended to read as follows:

63-3064. OTHER REMEDIES PRESERVED. (a) Nothing in the act shall be construed so as to prohibit the commencing of any action at law by the state tax commission to collect any tax, interest, penalty, additional amount, or addition to such tax, due under the provisions of this act, whenever in the opinion of the state tax commission or the attorney general the commencement of such action is a more appropriate method of collecting such tax, interest, penalty, additional amount, or addition to such tax.

(b) The state tax commission is authorized to apply for and the court to grant a temporary or permanent injunction enjoining any person from violating or continuing to violate any of the provisions of this act or regulations promulgated under this act notwithstanding the existence of other remedies at law.

SECTION 5. That Section 63-3065, Idaho Code, be, and the same is hereby amended to read as follows:

63-3065. JEOPARDY ASSESSMENTS. (a) If the tax commission finds that a taxpayer is about to depart from the state of Idaho or to remove his property therefrom, or to conceal himself or his property therein, or to do any other act tending to prejudice or to render wholly or partially ineffectual proceedings to collect the tax for the taxable year then last past or the taxable year then current unless such proceedings be brought without delay, the tax commission shall declare the taxable period for such taxpayer immediately terminated and shall cause notice of such findings and declaration to be given the taxpayer, together with a demand for immediate payment of the tax for the taxable period so declared terminated and of the tax for the preceding taxable year or so much of said taxes as is unpaid, whether or not the time otherwise allowed by law for filing returns and paying the tax has expired; and such taxes shall thereupon become immediately due and payable. In any proceedings in court brought to enforce payment of taxes made due and payable by virtue of the provisions of this section the finding of the tax commission, made as herein provided, whether made after notice to the taxpayer or not, shall be for all purposes prima facie evidence of the taxpayer's design.

(b) Collection procedures may be instituted immediately; however, any taxpayer deeming himself aggrieved by any act of the tax commission pursuant to the provisions of this section may, within thirty (30) days of receipt of said notice, petition the tax commission for a redetermination or commence action for refund or redetermination upon payment of the tax together with interest and penalty or upon filing a bond in double the amount of the assessment.

(c) A taxpayer who is not in default in making any return or paying any taxes assessed under this chapter may furnish to the state

of Idaho under regulations to be prescribed by the tax commission, security approved by the tax commission that he will duly make the return next thereafter required to be filed and pay the tax next thereafter required to be paid. The tax commission may approve and accept in like manner security for return and payment of taxes made due and payable by virtue of the provisions of this section.

(d) If security is approved and accepted pursuant to the provisions of this section and such further or other security with respect to the tax or taxes covered thereby is given as the tax commission shall from time to time find necessary and require, payment of such taxes shall not be enforced by any proceedings under the provisions of this section prior to the expiration of the time otherwise allowed for paying such respective taxes.

(e) In the case of a bona fide resident of the state of Idaho about to depart from the state of Idaho the tax commission may, at its discretion, waive any or all of the requirements placed upon the taxpayer by this section.

(f) If a taxpayer violates or attempts to violate this section there shall, in addition to all other penalties, be added as part of the tax twenty-five per cent (25%) of the total amount of the tax or deficiency in the tax.

(g) If the taxpayer owing tax is not within this state or has departed from the state, or has property or is employed outside of the state and ignores all demands for payment, the tax commission is authorized to employ the services of any qualified collection agency or attorney and to pay fees for such services out of moneys recovered.

SECTION 6. That Section 23-950, Idaho Code, be, and the same is hereby amended to read as follows:

23-950. RESTRICTION AGAINST TRANSFER OF LICENSE. ~~----License subject-to-levy-or-distraint-by--state--tax--commission.~~ No license issued under the provisions of this chapter shall be renewed, transferred, assigned, leased or sold if the state tax commission has notified the director and the licensee in writing that ~~a--warrant--issued pursuant--to--chapter--30,-title-63,-Idaho-Code,-for-the-collection-of~~ any tax imposed by chapters 30 and 36, title 63, Idaho Code, interest, penalty, and additional amount, which has accrued as a result of the operation of the licensed premises ~~is-outstanding-against-the-licensee~~ has been assessed as that term is defined in section 63-3045A, Idaho Code, against the licensee or any person operating the licensed premises with the permission of the licensee. At such time as the state tax commission has notified the director and licensee as herein provided, the license issued for the premises the operation of which has resulted in the accrual of the tax for which the warrant is outstanding shall be subject to levy and distraint pursuant to chapter 30, title 63, Idaho Code.

Approved March 24, 1987.

CHAPTER 87
(H.B. No. 172)

AN ACT

RELATING TO THE DISSOLUTION OF SPECIAL DISTRICTS; AMENDING TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 41, TITLE 63, IDAHO CODE, TO PROVIDE A SHORT TITLE; TO PROVIDE A DEFINITION OF "SPECIAL DISTRICT"; TO PROVIDE FOR HEARINGS AND ELECTIONS AS TO DISSOLUTION OF SPECIAL DISTRICTS; TO PROVIDE FOR DISSOLUTION OF INACTIVE DISTRICTS; TO PROVIDE FOR DISPOSITION OF PROPERTY AND FUNDS UPON DISSOLUTION; TO PROVIDE FOR PAYMENT OF INDEBTEDNESS UPON DISSOLUTION; TO PROVIDE FOR A SPECIAL TAX LEVY FOR PAYMENT OF DISTRICT INDEBTEDNESS; AND TO PROVIDE FOR VALIDITY OF OUTSTANDING OBLIGATIONS.

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

SECTION 1. That Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 41, Title 63, Idaho Code, and to read as follows:

63-4101. SHORT TITLE. This chapter may be known and cited as the "Special District Dissolution Act."

63-4102. DEFINITION. As used in this chapter, "special district" means any single purpose district organized or that may be organized as a local public body in accordance with the laws of the state of Idaho for the purpose of constructing or furnishing any municipal service where the district's enabling law does not provide for dissolution of any district formed under it.

63-4103. PETITIONS FOR DISSOLUTION OF SPECIAL DISTRICTS. Proceedings for the dissolution of a special district may be initiated by a petition containing the signatures of qualified electors of the district or owners of property within the district equal in number to twenty-five percent (25%) of the largest number of persons who voted for any director in the last election of directors or if no election has been held within two (2) years then a petition may be initiated by twenty-five (25) or more qualified electors or property owners of the district.

The petition, when completed and verified, shall be filed with the clerk of the court of the county or counties if more than one (1) county is involved. The county commissioners shall publish notice and hold a hearing on the matter. If necessary, they shall hold an election on the matter. The hearing and election shall be held in accordance with the terms and provisions of sections 40-1801 through 40-1809, Idaho Code.

63-4104. NONFUNCTIONING DISTRICT. Any special district which fails or has ceased to function for two (2) or more years may be dis-

solved by the board or boards of county commissioners of the county or counties in which it is located. The county commissioners may initiate such action upon their own volition or it may be initiated by petition.

63-4105. PROPERTY AND FUNDS -- DISPOSITION UPON DISSOLUTION. Title to all machinery, buildings, lands, and property of every kind and nature, belonging to a dissolved district shall immediately upon dissolution be vested in the board of county commissioners as custodians thereof; and thereafter as soon as may be practical the board shall dispose of the same. If the county and/or any incorporated cities are to continue providing the services formerly provided by the dissolved district, then the county commissioners and officials from such cities shall estimate the value of all such property and said property shall be transferred to any cities providing services formerly provided by the dissolved district in direct proportion to the portion of the dissolved districts total valuation for the preceding calendar year which is located within the city or cities, with the remaining portion of the property going to the county. If the county commissioners and officials from such cities determine that it is advantageous to dispose of the property at public or private sale, all funds arising from such sale or sales shall be deposited in the county treasury in a separate fund, together with other moneys belonging to such district, to be maintained by the treasurer, and from which debts of and claims against said districts shall be paid as hereinafter provided. All funds in the treasury of such district shall be delivered by the treasurer thereof to the treasurer of such county and deposited in a special fund, and all moneys thereafter accruing to such districts from collection of taxes and assessments levied or assessed prior to such dissolution, and all moneys belonging to such district from any source, shall likewise be placed in such special fund. Following the payment of debts and claims against such district, any moneys remaining in such special fund shall be distributed to any incorporated cities located within the boundaries of such district which are providing services formerly provided by such district in proportion to the portion of the total valuation of such district which is located within such cities. All remaining moneys after distribution to such cities shall be transferred to the current expense fund of the county.

If such district is located in more than one (1) county, then all authority vested in the county commissioners under this section shall be vested jointly in the several commissioners; provided, however, that any special fund established for the deposit of moneys accruing to such district shall be established in the treasury of the county which contains the greatest portion of the preceding year's valuation of the dissolved district and any property or moneys to be transferred to a county current expense fund shall be distributed to the counties in proportion to the portion of the valuation of the district which is located within each county but not including the valuation of any incorporated city which is providing services formerly provided by such district.

63-4106. PROVISION FOR PAYMENT OF INDEBTEDNESS UPON DISSOLUTION --SPECIAL TAX LEVY FOR PAYMENT OF DISTRICT INDEBTEDNESS. The board of county commissioners in the county or counties in which the dissolved district is located shall compute the total indebtedness of the district and shall provide for the payment thereof out of district funds on hand, or out of revenues to be raised by special levies, which shall be determined by the county or counties, and shall be certified to the clerk of the county board of commissioners of each of the counties wherein is situated any part of such district and such tax shall be levied and imposed by each of such counties upon such property of the district as may be within such county and the tax shall be collected, and not less than quarterly, shall be remitted to the treasurer of the county which contains the greatest portion of the preceding calendar year's valuation of the dissolved district, to be applied in payment of the indebtedness of such district as hereinafter provided.

At the next regular annual meeting of the board of commissioners of the county or counties in which the dissolved district is located at which levies for state and county purposes are fixed, and each year thereafter until all indebtedness of such district shall have been fully paid, such board shall, in addition to all other tax levies, levy a special tax upon all of the property situated within the former boundaries of such dissolved district, sufficient to raise by taxation funds for the payment of current and accruing terms and conditions of outstanding bonds of such district; and shall each year thereafter continue such levy, or make such other or additional levies as may be required, to fully pay and retire the indebtedness of such district according to the terms and conditions thereof; and such taxes must be collected as are other county taxes and shall be turned over to the treasurer of the county which contains the greatest portion of the preceding calendar year's valuation of the district who must redeem or post for redemption all warrants and bonds as the same mature and in order of their line, and for which the treasurer has funds arising from such district for the payment of same.

Approved March 24, 1987.

CHAPTER 88
(H.B. No. 135)

AN ACT

RELATING TO CHILD CUSTODY INTERFERENCE; AMENDING CHAPTER 45, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-4506, IDAHO CODE, TO DEFINE THE ELEMENTS OF THE OFFENSE OF CHILD CUSTODY INTERFERENCE, TO PROVIDE AND DEFINE AFFIRMATIVE DEFENSES TO THE CRIME OF CHILD CUSTODY INTERFERENCE, TO PROVIDE A PENALTY, AND TO PROVIDE RESTITUTION.

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

SECTION 1. That Chapter 45, Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-4506, Idaho Code, and to read as follows:

18-4506. CHILD CUSTODY INTERFERENCE DEFINED -- DEFENSES -- PUNISHMENT. 1. A person commits child custody interference if the person, whether a parent or other, or agent of that person, intentionally and without lawful authority:

(a) Takes, entices away, keeps or withholds any minor child from a parent or another person or institution having custody, joint custody, visitation or other parental rights, whether such rights arise from temporary or permanent custody order, or from the equal custodial rights of each parent in the absence of a custody order; or

(b) Takes, entices away, keeps or withholds a minor child from a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights.

2. It shall be an affirmative defense to a violation of the provisions of subsection 1. of this section that:

(a) The action is taken to protect the child from imminent physical harm;

(b) The action is taken by a parent fleeing from imminent physical harm to himself;

(c) The action is consented to by the lawful custodian of the child; or

(d) The child is returned within twenty-four (24) hours after expiration of an authorized visitation privilege.

3. A violation of the provisions of subsection 1. of this section shall be a felony, unless the defendant did not take the child outside the state, and the child was voluntarily returned unharmed prior to the defendant's arrest in which case the violation shall be reduced to a misdemeanor.

4. Any reasonable expenses incurred by a lawful custodian in locating or attempting to locate a child taken in violation of the provisions of subsection 1. of this section may be assessed against the defendant at the court's discretion in accordance with chapter 53, title 19, Idaho Code.

Approved March 24, 1987.

CHAPTER 89
(H.B. No. 51)

AN ACT

RELATING TO RETURNS OF TAXES ON SPECIAL FUELS; AMENDING SECTION 63-2439, IDAHO CODE, TO REQUIRE A SPECIAL FUELS TAX RETURN WHEN A PERMIT HAS BEEN ISSUED.

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

SECTION 1. That Section 63-2439, Idaho Code, be, and the same is hereby amended to read as follows:

63-2439. RETURNS AND PAYMENT BY HOLDERS OF SPECIAL FUELS PERMITS. (1) For the purpose of reporting the amount of tax due and payable under section 63-2417, Idaho Code, each person ~~who--consumes--special fuels--in--the-propulsion-of-a-motor-vehicle-upon-the-highways-of-this state,-which-displays-a~~ issued a special fuels permit as required under section 63-2438, Idaho Code, shall file with the commission in the manner and form prescribed by it, a quarterly tax return. Such return shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification. The return shall show such information as the commission may reasonably require for the proper administration and enforcement of this chapter. The return shall be filed on or before the last day of the next scheduling calendar month following the quarterly period to which it relates.

If the final filing date falls on Saturday, Sunday or a legal holiday, the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date shown by the post office cancellation mark stamped upon the envelope containing such report properly addressed to the commission, or on the date it was mailed, if proof satisfactory to the commission establishes the date it was mailed.

(2) The quarterly tax return shall be accompanied by the remittance covering the tax due hereunder, for use of special fuels during the preceding quarter. The tax due shall be calculated by multiplying the tax rate per gallon provided in section 63-2405, Idaho Code, by the number of gallons of special fuel consumed in the propulsion of a motor vehicle upon the highways of this state, which displays a special fuels permit, less any tax paid under section 63-2416, Idaho Code. The gallons consumed shall be calculated by dividing the miles traveled on the public highways of this state by such motor vehicles by the fleet average miles per gallon of such motor vehicles.

Approved March 24, 1987.

CHAPTER 90
(H.B. No. 76)

AN ACT

RELATING TO TRANSFER AND INHERITANCE TAXES; AMENDING SECTION 14-404, IDAHO CODE, TO DELETE THE REQUIREMENT TO GIVE NOTICE OF TRANSFERS OF STOCK IN DOMESTIC CORPORATIONS BY NONRESIDENT ESTATES; AMENDING

SECTION 14-418, IDAHO CODE, TO DELETE THE REQUIREMENT THAT THE STATE TAX COMMISSION DETERMINE FAIR MARKET VALUE OF PROPERTY SUBJECT TO TAX WITHIN NINETY DAYS OF THE FILING OF A STATE INHERITANCE TAX RETURN.

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

SECTION 1. That Section 14-404, Idaho Code, be, and the same is hereby amended to read as follows:

14-404. TAX ON SHARES OF STOCK IN DOMESTIC CORPORATION OWNED BY NONRESIDENT. 1. All shares of stock in corporations organized under the laws of this state and any interest therein or income therefrom, in trust or otherwise, belonging to persons whose domicile is without the state shall, upon the death of the owner be subject to a tax on the market value thereof, upon its transfer to persons, institutions or corporations, not hereinafter exempted, to be paid to the state tax commission, and by it paid into the state treasury to the credit of the general fund.

2. The provisions of this act for the enforcement and collection of any other tax hereunder shall apply to the enforcement and collection of the above insofar as applicable, and all interest charges and penalties provided for in this act shall apply also to the enforcement and collection of this tax.

3. The provisions of section 14-402, Idaho Code, pertaining to transfers in contemplation of death, transfers intended to take effect in possession or enjoyment at or after death and the provisions of subdivisions 5, 6, 7, 8, 9 and 10 of ~~said~~ section 14-402, Idaho Code, shall be applicable to the tax upon the transfer provided for by this section, and the provisions of sections 14-406, 14-407 and 14-408, Idaho Code, shall also be applicable to such tax.

~~4.--Upon-the-death-of-any--person--domiciled--without--the--state,-owning-stock-in-any-corporation-organized-under-the-laws-of-this-state and--any--interest-therein-or-income-therefrom,-the-executor,-administrator-or-trustee-of-such-decedent's-estate-shall-report-to-the--state tax-commission-of-Idaho-the-number-of-such-shares-and-character-of-the interest-owned-by-such-person-in-any-such-corporation,-and-the-name-of such--corporation,--and-shall-furnish-such-commission-full-information as-to-such-transfer-and-the-value-of--such--stock--and--interest.--The state--tax--commission--shall--then-fix-and-determine-the-tax-upon-the clear-market-value-of-such-stock-and-interest.-The-tax-shall--be--paid to--the--state-tax-commission.-No-such-stock-and-interest-shall-by-the corporation-organized-under-the-laws-of-this-state,-be-transferred--on the--books--of--the--corporation,--or--any-new-certificate-therefor-be issued-to-such-executor,-administrator,-trustee,-or-to-any-heir,-devisee,-assignee-or-other-person,-until-the-authorized-executor,-administrator-or-trustee-of-such-decedent's-estate-has-reported--as--required by-the-first-sentence-of-this-subsection-of-this-section.-Any-corporation--violating--any--of--the-foregoing-provisions-shall-be-liable-for double-the-amount-of-the-tax-and-penalty-due-or-thereafter--to--become due--upon-such-stock-and-interest,-recoverable-by-proper-action-instituted-by-the-state-tax-commission.~~

~~It is intended that the tax imposed by this section shall not impose a greater burden upon transfers by nonresidents than is imposed upon transfers by residents, and this section shall be construed so as to make this intent effective.~~

SECTION 2. That Section 14-418, Idaho Code, be, and the same is hereby amended to read as follows:

14-418. INHERITANCE TAX DETERMINATION. When the transfer of any property is subject to taxation because of the provisions of the "transfer and inheritance tax act," such tax shall be determined by the state tax commission:

(a) The personal representative or, if no personal representative is appointed or if he fails to file a return, every person receiving or holding property the transfer of which is or may be taxable under the Idaho transfer and inheritance tax act shall, as soon after such transfer as reasonably possible, and in any event not later than nine (9) months after the date of such transfer, file an inheritance tax return, upon a form prescribed by the state tax commission, which return shall be signed under penalty of perjury. Such return shall contain the name and date of death of the decedent, the residence and place of death of the decedent, the description, location and fair market value of all property owned by the decedent, the names, last known addresses and relationship to decedent of persons interested in the same, and such other facts as are necessary for determination of such tax liability under chapter 4, title 14, Idaho Code. No tax return shall be required, but a return may be filed, if the gross fair market value of property, the transfer of which otherwise is or may be taxable under this act, does not exceed the amount of the exemption provided by subsection 6 of section 14-408, Idaho Code.

(b) ~~Within ninety (90) days a~~After the filing of an inheritance tax return, the state tax commission shall determine the fair market value of property subject to tax and listed on such return~~; provided, however, that any additional deficiencies.~~ Deficiencies must be asserted and assessments made within ~~three (3) years from the date of such filing~~ the time limitations as set forth under section 6501 of the internal revenue code and the regulations thereunder. In making its determination, the state tax commission may require that appraisals or other necessary information be supplied by the taxpayer.

(c) In addition to the enforcement and penalty provisions in this act otherwise provided, and to the extent that they are not in conflict with the provisions of this act, the deficiency in tax and notice of deficiency provisions, the collection and enforcement and the refund and review procedures provided by the Idaho income tax act in sections 63-3038, 63-3039, 63-3042 through 63-3065A, 63-3069, 63-3071, 63-3072, 63-3075, 63-3076, and 63-3077, Idaho Code, shall apply and be available to the state tax commission and taxpayers for enforcement and administration of the transfer and inheritance tax act and the assessment and collection of and litigation over amount due. Said sections shall for this purpose be considered a part of this act and wherever proceedings are defined as income tax proceedings they shall, as applied to this act, be described as transfer and inheri-

tance act proceedings.

(d) No statute of limitations, including the limitation imposed by subsection (b) shall bar the adjustment of returns and the assessment of additional taxes or determination of refunds when a federal estate tax return which includes property subject to the Idaho transfer and inheritance tax act has been adjusted or changed by the judgment of any court, by internal revenue service action or by voluntary action on the part of the taxpayer. In the event of such adjustment or change in federal estate tax liability, the state tax commission may within ninety (90) days after receipt by it of notice of such change from the taxpayer make corresponding deficiency determinations of liability of the taxpayer for Idaho transfer and inheritance taxes and the taxpayer may within one (1) year from the date of such change seek corresponding adjustments in his Idaho inheritance and transfer tax liability by claiming refund of such amount.

(e) Upon allowance of a refund of any tax erroneously or illegally assessed or collected or of any penalty collected without authority or of any sum which was excessive or in any manner wrongfully collected, interest shall be allowed and paid on the amount of such refund at the rate provided in section 63-3045, Idaho Code, from the date such tax penalty or sum was paid to the date of the payment of such refund, provided, however, that in case of a voluntary and unrequested payment in excess of actual tax liability, no interest shall be allowed when such excess is refunded.

(f) The state tax commission may be made a party defendant in an action at law or equity by any person aggrieved by the unlawful seizure or sale of his property or in a suit for refund to recover an overpayment but only the state of Idaho shall be responsible for any final judgment secured against the state tax commission, and such judgment shall be satisfied out of the transfer and inheritance tax refund fund.

Approved March 24, 1987.

CHAPTER 91
(H.B. No. 175)

AN ACT

RELATING TO BEER LICENSES; REPEALING SECTION 23-1014, IDAHO CODE; AMENDING CHAPTER 10, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-1014, IDAHO CODE, TO PROVIDE A SCHEDULE OF LICENSE FEES FOR BREWERS, WHOLESALERS, DEALERS AND RETAILERS.

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

SECTION 1. That Section 23-1014, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 10, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be

known and designated as Section 23-1014, Idaho Code, and to read as follows:

23-1014. LICENSE FEES. Every person licensed under the provisions of this chapter shall pay to the state of Idaho an annual license fee according to the following schedule:

		Fee
(1)	Brewer annually producing	
	(a) Under 10,000 gallons	$ 50.00
	(b) 10,000 to 100,000 gallons	$100.00
	(c) 100,000 to 930,000 gallons	$200.00
	(d) 930,000 gallons or more	$500.00

A like amount shall be paid for each separate brewery operated by the licensee.

(2)	Wholesaler	
	(a) For each separate warehouse used for the purpose of wholesaling or dispensing beer.	$300.00
(3)	Dealer	$100.00
(4)	Retailer	
	(a) For each store from which beer is retailed	$ 50.00
	(b) For each store from which a licensed retailer sells keg beer for consumption off premises	$ 5.00

Nothing in this chapter shall be so construed to prohibit municipalities or counties from licensing and regulating places of business where beer is sold to the consumer.

Approved March 24, 1987.

CHAPTER 92
(H.B. No. 294)

AN ACT

RELATING TO PAYMENTS TO COUNTIES FOR AD VALOREM TAX REDUCTION; AMENDING SECTION 63-124, IDAHO CODE, TO PROVIDE FOR PAYMENTS TO COUNTIES FOR CLAIMS ALLOWED; AND AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR PAYMENTS FROM SALES TAXES COLLECTED.

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

SECTION 1. That Section 63-124, Idaho Code, be, and the same is hereby amended to read as follows:

63-124. REIMBURSEMENT BY TAX COMMISSION. (1) The state tax commission shall determine the total number of claims to be allowed in each county, the dollar amount of each claim allowed, and the total dollar amount for all claims for each county. These amounts shall be certified to the county auditor by the tax commission by no later than the third Monday in November.

(2) By no later than December 20 of each year the tax commission shall pay to the county treasurer of each county <u>one-half (1/2) of</u> the

amount due each such county as reimbursement for reduction in taxes as provided by sections 63-117 through and including 63-125, Idaho Code, as shown on the abstract of property tax reduction roll and claims forms approved by the tax commission, and shall pay the second one-half (1/2) of such amount by not later than June 20 of the following year.

SECTION 2. That Section 63-3638, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this chapter shall be distributed by the tax 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.

(b) Five hundred thousand dollars ($500,000) per year is continuously appropriated and shall be distributed to the permanent building account, provided by section 57-1108, Idaho Code.

(c) Four million eight hundred thousand dollars ($4,800,000) per year is continuously appropriated and shall be distributed to the water pollution control account established by section 39-3605, Idaho Code.

(d) (1) 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 continuously appropriated and shall be paid 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 the capital reserve fund of the Idaho housing agency shall be repaid 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.

(2) An amount equal to the sum required by the provisions of section 63-124, Idaho Code, is continuously appropriated and shall be paid as provided by section 63-124, Idaho Code.

(e) Seven and one-half percent (7.5%) is hereby appropriated and shall be paid to the county treasurer of each county in amounts to be determined as follows:

(1) Each taxing district other than school districts shall be entitled to a base share of sales tax moneys equal to the amount distributed to that district for the fourth calendar quarter of 1979. 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. The percentage so determined for each taxing district shall be applied each quarter to the 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) Whenever the amount of nonschool district sales tax moneys 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, in the following manner.

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. The percentage so determined for each county shall be applied to the sales tax distributed under this subsection 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.

(f) One dollar ($1.00) on each application for certificate of title to a motor vehicle, or initial application for registration processed by the county assessor excepting those applications in which any sales or use taxes due have been previously collected by a retailer, shall be a fee for the services of the assessor of the county in collecting such taxes, and shall be paid into the current expense fund of the county.

(g) Six and one-quarter per cent (6.25%) is continuously appro-

priated and shall be distributed to the revenue sharing account which is created in the state operating fund, and the moneys in the revenue sharing account 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.

(h) Any moneys remaining over and above those necessary to meet and reserve for payments under other subsections of this section shall be distributed to the general account.

Approved March 24, 1987.

CHAPTER 93
(H.B. No. 125)

AN ACT

RELATING TO INCOME TAXES; AMENDING SECTION 63-3004, IDAHO CODE, TO INCORPORATE CHANGES MADE BY CONGRESS TO THE FEDERAL INTERNAL REVENUE CODE IN 1986; AMENDING SECTION 63-3022, IDAHO CODE, TO MAKE TECHNICAL CHANGES NEEDED TO CONFORM TO THE FEDERAL INTERNAL REVENUE CODE; AMENDING SECTION 63-3024, IDAHO CODE, TO CORRECT CROSS-REFERENCES TO PROVISIONS OF THE INTERNAL REVENUE CODE; AMENDING SECTION 63-3024A, IDAHO CODE, TO CORRECT CROSS-REFERENCES TO PROVISIONS OF THE INTERNAL REVENUE CODE; REPEALING SECTION 63-3024B, IDAHO CODE, RELATING TO POLITICAL CONTRIBUTIONS FOR IDAHO INCOME TAX PURPOSES; AMENDING SECTION 63-3030, IDAHO CODE,

TO CORRECT CROSS-REFERENCES TO PROVISIONS OF THE INTERNAL REVENUE CODE; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE EFFECTIVE DATES.

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

SECTION 1. That Section 63-3004, Idaho Code, be, and the same is hereby amended to read as follows:

63-3004. INTERNAL REVENUE CODE. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 195486 of the United States, as amended, and in effect on the first day of January, 19867.

(b) In regard to those provisions of the Internal Revenue Code amended, deleted, or added by the Tax Reform Act of 1986, the effective date of all such amendments shall be applicable for Idaho income tax purposes, including retroactive provisions.

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 obligations 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 tax-

able 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~~2) 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~~0~~%) 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.

(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~~ standard deduction as defined by section 63, Internal Revenue Code, plus

~~b.--C~~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~~b. 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~~ section), 165, 166, 170, 171, 211, 212, 213, and 216 ~~and 218~~, Internal Revenue Code, plus

b. Contributions made to the state of Idaho for credit to ~~the medical as~~sistance 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~~40 of the Internal Revenue Code.

(~~o~~n) 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~~o) 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 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~~a) of the Internal Revenue Code, and a head of household, as defined in section ~~1~~2(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 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 fifty thousand dollars ($50,000), rounding such calculations to the nearest dollar. Taxpayers having 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. That Section 63-3024A, Idaho Code, be, and the same is hereby amended to read as follows:

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

after to claim such credit or refund shall be forfeited. The state tax commission shall prescribe the method by which the refund, if any, is to be made to the taxpayer.

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

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

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

(i) blind, or

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

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

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

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

same exemption, or under more than one (1) subsection of this section.

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

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

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

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

SECTION 5. That Section 63-3024B, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 63-3030, Idaho Code, be, and the same is hereby amended to read as follows:

63-3030. PERSONS REQUIRED TO MAKE RETURNS OF INCOME. (a) Returns with respect to taxes measured by income in this act shall be made by the following:

(1) (A) Every resident individual having for the current taxable year a gross income, as defined by section 61(a) of the Internal Revenue Code, of one thousand dollars ($1,000) or more, except that a return shall not be required of an individual (other than an individual referred to in section 6012(a)(1)(C) of the Internal Revenue Code)--

(i) who is not married (determined by applying section ~~1~~47703 of the Internal Revenue Code), who is not a surviving spouse (as defined in section 2(a) of the Internal Revenue Code) and for the taxable year has a gross income of less than three thousand three hundred dollars ($3,300), or

(ii) who is a surviving spouse (as defined in section 2(a) of the Internal Revenue Code) and for the taxable year has a gross income of less than four thousand four hundred dollars ($4,400), or

(iii) who is entitled to make a joint return under section 6013 of the Internal Revenue Code and whose gross income, when combined with the gross income of his spouse is, for the taxable year, less than five thousand four hundred dollars ($5,400) but only if such individual and his spouse, at the close of the taxable year, had the the same household as their home.

Clause (iii) shall not apply if for the taxable year such spouse makes a separate return or any other taxpayer is entitled to an exemption for such spouse under section 151(e) of the Internal Revenue Code.

(B) The three thousand three hundred dollars ($3,300) amount specified in subparagraph (A)(i) shall be increased to four

thousand three hundred dollars ($4,300) in the case of an individual entitled to an additional personal exemption under section 151(c)(1) of the Internal Revenue Code, and the five thousand four hundred dollars ($5,400) amount specified in subparagraph (A)(iii) shall be increased by one thousand dollars ($1,000) for each additional personal exemption to which the individual or his spouse is entitled under section 151(c) of the Internal Revenue Code.

(2) Any nonresident or part-year resident individual having for the current taxable year a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of one thousand dollars ($1,000);

(3) Every corporation subject to taxation by this act; any corporation reporting as a subchapter S corporation pursuant to Internal Revenue Code sections 1371 through 1378 to the federal government and having business situs in this state or with one (1) or more of its shareholders residing in this state must report to the state of Idaho as a subchapter S corporation for and during the same period or periods in which its election to report as such a corporation is effective for federal tax purposes and must identify itself as a subchapter S corporation on its income tax return filed with this state;

(4) Every estate, the residence of which estate is in Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) of six hundred dollars ($600) or more for the current taxable year;

(5) Every estate, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of six hundred dollars ($600);

(6) Every trust, the residence of which trust is in Idaho, having gross income (as defined in section 61(a) of the Internal Revenue Code) of one hundred dollars ($100) or more for the current taxable year;

(7) Every trust, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of one hundred dollars ($100);

(8) Every partnership having a resident partner and every partnership having a business situs in the state of Idaho. Such return shall be a supplemental information return and shall include the names and addresses of the individuals who would be entitled to share in the net income of the partnership if distributed and the amount of the distributive share of each individual. Such return shall be signed by one (1) of the partners.

(b) Returns of fiduciaries and receivers:

(1) Fiduciaries and receivers shall file returns with the state tax commission in accordance with the provisions of section 6012(b) of the Internal Revenue Code.

(c) Certain income earned abroad or from sale of residence: For purposes of this section, gross income shall be computed without regard to the exclusion provided for in section 121 of the Internal

Revenue Code (relating to one-time exclusion of gain from sale of principal residence by an individual who has attained age fifty-five (55) and without regard to the exclusion provided for in section 911 of the Internal Revenue Code (relating to income earned ~~by--employees in-certain-camps~~ abroad).

SECTION 7. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1987; provided, however, that the amendments made to the Internal Revenue Code by the Tax Reform Act of 1986 shall be in full force and effect in this state on and after the dates provided in that act.

Approved March 24, 1987.

CHAPTER 94
(S.B. No. 1019)

AN ACT

RELATING TO COMMUNITY COLLEGES; AMENDING CHAPTER 21, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2101A, IDAHO CODE, TO PROVIDE THAT THE TERM JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE.

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

SECTION 1. That Chapter 21, Title 33, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 33-2101A, Idaho Code, and to read as follows:

33-2101A. JUNIOR COLLEGE SHALL MEAN COMMUNITY COLLEGE. Notwithstanding any other provision of law, in sections 21-805, 21-806, 21-809, 23-404, 31-808, 33-101, 33-107, 33-601, 33-1252, 33-2101, 33-2102, 33-2103, 33-2104, 33-2105, 33-2106, 33-2107, 33-2107A, 33-2107B, 33-2107C, 33-2108, 33-2109A, 33-2110, 33-2110A, 33-2110B, 33-2111, 33-2112, 33-2113, 33-2114, 33-2115, 33-2116, 33-2117, 33-2118, 33-2119, 33-2121, 33-2122, 33-2123, 33-2124, 33-2125, 33-2126, 33-2130, 33-2135, 33-2137, 33-2138, 33-2139, 33-2141, 33-2142, 33-2143, 33-2144, 33-2211, 33-3716, 33-3717, 33-4001, 33-4003, 33-4004, 33-4006, 33-4201, 33-4306, 33-4315, 46-314, 50-1405, 50-1721, 54-2029, 57-1105A, 59-1332B, 59-1336, 59-1340, 63-621, 67-2320, 67-2322, 67-5309C and 67-5332, Idaho Code, the term "junior college" shall mean and shall be denoted as "community college."

Approved March 25, 1987.

CHAPTER 95
(S.B. No. 1039)

AN ACT

RELATING TO THE SALE OF STATE LANDS; AMENDING SECTION 58-317, IDAHO CODE, TO ALLOW THE STATE BOARD OF LAND COMMISSIONERS TO SELL SUBDIVISIONS OF STATE LANDS OF FIVE ACRES OR LESS ON INSTALLMENT.

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

SECTION 1. That Section 58-317, Idaho Code, be, and the same is hereby amended to read as follows:

58-317. SALES OF LESS THAN LEGAL SUBDIVISIONS. The state board of land commissioners may cause any portion of state lands to be laid out in subdivisions of less area than the legal subdivisions of the United States survey, upon showing to the satisfaction of the board that said subdivisions will be more salable or will sell at a better price than when undivided or that public convenience will be served thereby. A plat of any such subdivisions shall be filed in the office of the recorder of the county where said lands are situated. The board may sell such subdivisions from time to time, at public auction, in such quantities and on such terms as shall enable the state to realize the best prices therefor~~; but any such subdivision of five acres or less must be sold for cash~~.

Approved March 25, 1987.

CHAPTER 96
(S.B. No. 1069)

AN ACT

RELATING TO BEE INSPECTION; REPEALING SECTION 22-2517, IDAHO CODE; AMENDING CHAPTER 25, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2517, IDAHO CODE, TO STATE PUBLIC POLICY; AMENDING SECTION 22-2518, IDAHO CODE, TO DELETE DEFINITIONS OF "ENTOMOLOGIST" AND "ENTOMOLOGY" AND TO ADD DEFINITIONS OF "DIRECTOR" AND "COMB"; REPEALING SECTIONS 22-2519 THROUGH 22-2522, IDAHO CODE; AMENDING CHAPTER 25, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2519, IDAHO CODE, TO REQUIRE APIARY INSPECTION CAPABILITY; AMENDING CHAPTER 25, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2520, IDAHO CODE, TO DEFINE DUTIES OF THE DIRECTOR IN CONTROLLING THE SPREAD OF DISEASE; AMENDING CHAPTER 25, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2521, IDAHO CODE, TO REQUIRE ENCLOSURE OF COMB AND TO ALLOW UNOCCUPIED BEEHIVES TO BE ABATED; AMENDING SECTIONS 22-2523 THROUGH 22-2526, IDAHO CODE, TO REPLACE THE STATE APIARY INSPECTOR BY THE DIRECTOR; REPEALING SECTIONS 22-2527 AND 22-2528, IDAHO

CODE; AMENDING SECTIONS 22-2529 AND 22-2530, IDAHO CODE, TO REPLACE STATE "ENTOMOLOGIST" AND "COMMISSIONER" BY THE DIRECTOR; REPEALING SECTIONS 22-2531, 22-2533, 22-2534 AND 22-2537, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 22-2517, Idaho Code, be, and the same is hereby repealed.

SECTION 2. That Chapter 25, 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 22-2517, Idaho Code, and to read as follows:

22-2517. PUBLIC POLICY. The Idaho based bee industry has a need for inspections and certification in order to transport bees into other states for pollination; there is a further need to minimize the presence of bee pests and diseases within the state. Therefore, it is declared to be public policy of the state of Idaho to provide a qualified inspection service within the department of agriculture, to issue regulations setting fees for such services and to take such action to control pests and diseases of bees as the resources provided under this act support.

SECTION 3. That Section 22-2518, Idaho Code, be, and the same is hereby amended to read as follows:

22-2518. DEFINITIONS. The following terms shall be construed respectively when used in this act to mean:

(a) "Apiary" any place where one or more colonies of bees are kept, or one or more hives containing honey combs or bee combs are kept.

(b) "Equipment" hives, supers, frames, veils, gloves or any apparatus, tools, machines or other devices used in the handling and manipulation of bees, wax and hives, and shall also include any containers for honey and wax which may be used in any apiary or in transporting bees and their products and apiary supplies.

(c) "Hive" frame, hive, box, barrel, log gum, skep, or any other receptacle or container, natural or artificial, or any part thereof, which may be used as a domicile for bees.

(d) "Bees" any stage of common honey bee, Apis Mellifera L.

(e) "Bee diseases" American or European foulbrood, sacbrood, bee paralysis or any other disease or abnormal condition of egg, larval, ~~pupil~~ pupa or adult stages of bees.

(f) "Colony" the hive and bees therein with or without extra supers.

(g) "Persons" individuals, associations, partnerships and corporations.

(h) "Queen apiary" any apiary or premises in which queen bees are reared or kept for sale or gift.

(i) ~~"Entomologist" a student of or specialist in entomology~~

"Director" means the director of the Idaho department of agriculture or his designated agent.

(j) ~~"Entomology"--a--branch--of--zoology--that-deals-with-insects~~ "Comb" includes all materials which are normally deposited into hives by bees. It does not include extracted honey or royal jelly, trapped pollen and processed beeswax.

(k) "Qualified bi-state beekeeper" a person who is a bona fide registered beekeeper and resident of and taxpayer of the state of Idaho, owning a bee yard or bee yards in both Idaho and another state, whose headquarters are in the state of Idaho.

SECTION 4. That Sections 22-2519 through 22-2522, Idaho Code, be, and the same are hereby repealed.

SECTION 5. That Chapter 25, 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 22-2519, Idaho Code, and to read as follows:

22-2519. DIRECTOR TO CONDUCT APIARY INSPECTIONS -- REGULATIONS SETTING FEES FOR REQUESTED INSPECTIONS AUTHORIZED. The director shall conduct such apiary inspections as may be required by Idaho beekeepers to transport bees to other jurisdictions. To ensure that the inspections are adequate, the director shall consult with scientists designated by the dean of the college of agriculture, University of Idaho, the directors of the Idaho honey association or successor organizations, and with other persons knowledgeable in the science and art of beekeeping. The director shall establish by regulation a schedule of fees for inspection work to be paid by the person requesting the inspection.

SECTION 6. That Chapter 25, 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 22-2520, Idaho Code, and to read as follows:

22-2520. DUTIES OF THE DIRECTOR IN CONTROLLING THE SPREAD OF DISEASE. When the director shall be notified of the existence in any apiary of the disease known as foulbrood or any other transmissible disease or pest of bees or items prohibited in section 22-2521, Idaho Code, he shall conduct appropriate investigations to the extent that the resources provided by this act support. If the investigation establishes the presence of such transmissible disease or pest, the director shall order abatement by methods which he shall prescribe. These methods may include destruction of the infested bees and contaminated equipment. Infested colonies or other equipment may not be removed from the premises on which they are found without written permission of the director.

SECTION 7. That Chapter 25, 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 22-2521, Idaho Code, and to read as

follows:

22-2521. ENCLOSURE OF COMBS -- HIVE CONTAINING COMB NOT OCCUPIED BY LIVE BEES -- ABATEMENT. (1) No person shall keep any comb which is not occupied by a live bee colony unless such comb is tightly enclosed so as to prevent access to the comb by bees; or the director determines that such comb does not constitute a significant hazard to bees.

(2) Any hive or appliance which contains any comb that is not occupied by a live bee colony and that is accessible to bees shall be subject to abatement by methods prescribed by the director. Such methods may include destruction of the hives or appliances.

SECTION 8. That Section 22-2523, Idaho Code, be, and the same is hereby amended to read as follows:

22-2523. DUTY OF OWNER OF DISEASED BEES -- PENALTY. Any owner or keeper of bees, knowing or being notified by the ~~state apiary inspector or his deputies~~ director of the existence of foulbrood or other infectious or contagious disease in his apiary, who fails either to comply with the instructions of the ~~inspector~~ director, designed to cure said disease, or to destroy the infected bees, hives or appliances, within the time designated by the ~~inspector~~ director, is guilty of a misdemeanor.

SECTION 9. That Section 22-2524, Idaho Code, be, and the same is hereby amended to read as follows:

22-2524. RIGHT TO INSPECT -- PENALTY FOR RESISTING. The ~~state apiary inspector and his deputies~~ director shall have the right to enter the premises of any beekeeper where bees or equipment are kept, and inspect such bees or equipment, and any person resisting or refusing to allow such inspection shall be guilty of a misdemeanor.

SECTION 10. That Section 22-2525, Idaho Code, be, and the same is hereby amended to read as follows:

22-2525. PERMIT TO BRING COMB HONEY AND BEES INTO STATE. It shall be unlawful and a misdemeanor to ship into the state of Idaho for delivery within the state without securing a permit from the ~~state entomologist~~ director as hereinafter provided, bees on drawn combs, or combs or any used beekeeping equipment, except that it shall not be necessary to secure such a permit for the purpose of shipping into said state bees shipped in combless packages, or comb honey in sections intended for human consumption.

SECTION 11. That Section 22-2526, Idaho Code, be, and the same is hereby amended to read as follows:

22-2526. IMPORTATION OF BEES -- PERMIT REQUIREMENTS. Any beekeeper who is not a "qualified bi-state beekeeper" desiring to move bees into Idaho shall, before bringing such bees into said state, be required to obtain a permit from the ~~state entomologist, as provided~~

~~in--section--22-2527~~ director. Before such a permit will be issued, a certificate of health must be obtained from the state of origin showing lack of foulbrood, or other infectious or contagious disease in said bees, combs, hives or beekeeping equipment, and be delivered to the ~~Idaho-state-entomologist~~ director. There shall be a permit charge of ~~25~~ twenty-five cents (25¢) per colony for each colony of bees moved into the state of Idaho. This amount shall be paid to the state of Idaho by the beekeeper prior to the movement. Permit issued hereunder shall expire six (6) months from date of issuance.

SECTION 12. That Sections 22-2527 and 22-2528, Idaho Code, be, and the same are hereby repealed.

SECTION 13. That Section 22-2529, Idaho Code, be, and the same is hereby amended to read as follows:

22-2529. ACT CONSTRUED TO PERMIT TRANSPORTATION OF BEES -- PERMIT. This act shall not be construed to prevent the transportation across the Idaho state line of bees in hives, or bee supplies and equipment, between bee yards owned by, or under the control of a "qualified bi-state beekeeper." However, such transportation shall not be lawful unless a general and continuing permit therefor as hereinafter provided in section 22-2530, Idaho Code, shall have been first obtained from the ~~state-entomologist~~ director, and such permit may be revoked by ~~said--state-entomologist~~ the director upon a showing that such privilege has been or is being abused.

SECTION 14. That Section 22-2530, Idaho Code, be, and the same is hereby amended to read as follows:

22-2530. ANNUAL GENERAL AND CONTINUING PERMIT. An annual general and continuing permit shall be issued to a "qualified bi-state beekeeper" by the ~~commissioner-of-agriculture-or-by-his-authorized--agent~~ director upon receipt of application ~~of-a-satisfactory-certificate-of health-from-the-Idaho-state-apiary-inspector-as~~ and a report of a satisfactory inspection by the director's designated agent as to health and condition of applicant's Idaho bee colonies.

SECTION 15. That Sections 22-2531, 22-2533, 22-2534 and 22-2537, Idaho Code, be, and the same are hereby repealed.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 25, 1987.

CHAPTER 97
(S.B. No. 1051)

AN ACT

RELATING TO LICENSING OF WATER RIGHTS; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-217a, IDAHO CODE, TO PROVIDE FOR CERTIFICATION OF WATER RIGHT EXAMINERS AND TO ESTABLISH A FEE FOR CERTIFICATION.

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

SECTION 1. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION to be known and designated as Section 42-217a, Idaho Code, and to read as follows:

42-217a. CERTIFIED WATER RIGHT EXAMINER. The director shall adopt all necessary rules and regulations setting forth the procedures and requirements for qualification of licensed professional engineers or geologists to become certified water right examiners.

An initial application fee of two hundred dollars ($200) shall be paid by those applying for certification with an annual renewal fee of fifty dollars ($50.00). All certificates of appointment shall expire on March 31 of each year and thereafter are void unless renewed. The fees collected shall be transmitted to the state treasurer for deposit in the water administration account.

Employees of the department shall be exempt from the requirements of this section.

Approved March 25, 1987.

CHAPTER 98
(S.B. No. 1052)

AN ACT

RELATING TO DAM SAFETY; AMENDING SECTION 42-1711, IDAHO CODE, TO FURTHER DEFINE DAMS REGULATED BY THE STATE'S DAM SAFETY FUNCTIONS.

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

SECTION 1. That Section 42-1711, Idaho Code, be, and the same is hereby amended to read as follows:

42-1711. DEFINITIONS. Unless the context otherwise requires, the following definitions govern the construction of this act.

(a) "Department" means the department of water resources.

(b) "Dam" means any artificial barrier, together with appurtenant works, constructed for the purpose of storing water or that stores water, which is ten (10) feet or more in height from the natural bed

of the stream or watercourse at the downstream toe of the barrier, as determined by the department, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation, or has or will have an impounding capacity at maximum storage elevation of fifty (50) acre feet or more. ~~No obstruction in a canal used to raise or lower water therein or divert water therefrom and no fill or structure determined by the department to be designed primarily for highway or railroad traffic shall be considered a dam.~~ The following are not included as regulated dams or are not considered dams for the purposes of sections 42-1710 through 42-1721, Idaho Code:

(1) Barriers constructed in low risk areas as determined by the director, which are six (6) feet or less in height, regardless of storage capacity.

(2) Barriers constructed in low risk areas as determined by the director, which impound ten (10) acre-feet or less at maximum water storage elevation, regardless of height.

(3) Barriers in a canal used to raise or lower water therein or divert water therefrom.

(4) Fills or structures determined by the director to be designed primarily for highway or railroad traffic.

(5) Fills, retaining dikes or structures, which are under jurisdiction of the division of environment, department of health and welfare, designed primarily for retention and treatment of municipal, livestock, or domestic wastes, or sediment and wastes from produce washing or food processing plants.

(c) "Reservoir" means any basin which contains or will contain the water impounded by a dam.

(d) "Owner" includes any of the following who own, control, operate, maintain, manage, or propose to construct a dam, reservoir or mine tailings impoundment structure:

(1) The state of Idaho and its departments, agencies, institutions and political subdivisions;

(2) The United States of America and any of its departments, bureaus, agencies and institutions; provided that the United States of America shall not be required to pay any of the fees required by section 42-1713, Idaho Code, and shall submit plans, drawings and specifications as required by section 42-1712, Idaho Code, for information purposes only;

(3) Every municipal or quasi-municipal corporation;

(4) Every public utility;

(5) Every person, firm, association, organization, partnership, business trust, corporation or company;

(6) The duly authorized agents, lessees, or trustees of any of the foregoing; or

(7) Receivers or trustees appointed by any court for any of the foregoing.

(e) "Alterations," "repairs," or either of them, mean only such alterations or repairs as may directly affect the safety of the dam, reservoir or mine tailings impoundment structure, as determined by the department.

(f) "Enlargement" means any change in or addition to an existing

dam, reservoir or mine tailings impoundment structure, which raises or may raise the water storage elevation of the water impounded by the dam or mine tailings slurry impounded by the mine tailings impoundment structure.

(g) "Water storage elevation" means the maximum elevation of water surface which can be obtained by the dam or reservoir.

(h) "Storage capacity" means the total storage at the maximum storage elevation.

(i) "Days" used in establishing deadlines means calendar days including Sundays and holidays.

(j) "Certificate of approval" means a certificate issued by the director for all dams or mine tailings impoundment structures listing restrictions imposed by the director, and without which no new dams shall be allowed to impound water or mine tailings impoundment structures shall be allowed to impound mine tailings slurry.

(k) "Mine tailings impoundment structure" means any artificial embankment which is or will be more than thirty (30) feet in height measured from the lowest elevation of the toe to the maximum crest elevation constructed for the purpose of storing mine tailings slurry.

(l) "Lift construction" means mine tailings impoundment structure enlargement by raising the elevation of the structure on a continuous or recurring basis. Such practice will be considered under construction until the structure reaches its final crest elevation.

(m) "Mine tailings impoundment elevation" means the maximum elevation of stored mine tailings which can be obtained by the impounding structure.

(n) "Mine tailings slurry" means all slurry wastes from a mineral processing or mining operation.

(o) "Mine tailings storage capacity" means the total storage volume of the impounding area when filled with tailings to the maximum designed storage elevation.

Approved March 25, 1987.

CHAPTER 99
(S.B. No. 1026)

AN ACT

RELATING TO THE RULES OF THE PERSONNEL SYSTEM; AMENDING SECTION 67-5309, IDAHO CODE, TO PROVIDE THAT A PROBATION PERIOD SHALL BE LIMITED TO SIX MONTHS UNLESS EXTENDED FOR GOOD CAUSE, AND TO PROVIDE THAT AN EMPLOYEE'S PERFORMANCE SHALL BE DEEMED SATISFACTORY IF THE APPOINTING AUTHORITY FAILS TO PROVIDE A PERFORMANCE EVALUATION WITHIN THIRTY DAYS AFTER THE EXPIRATION OF THE PROBATIONARY PERIOD.

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

SECTION 1. That Section 67-5309, Idaho Code, be, and the same is

hereby amended to read as follows:

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

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

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

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

(d) A rule providing for not less than biennial review by the commission of the personnel system including classification and compensation plans, policies and procedures.

(e) A rule requiring fair and impartial selection of appointees to all positions other than those 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 establishing a probation period not to exceed ~~a stipulated period of time,~~ six (6) months for all appointments and promotions and for the appointing authority to ~~notify~~ provide the employee and the commission ~~and the employee in writing prior to~~ a performance evaluation indicating satisfactory or unsatisfactory performance not later than thirty (30) days after the expiration of the probationary period ~~concerning satisfactory or unsatisfactory performance~~. The rule shall provide that if the appointing authority fails to provide a performance evaluation within thirty (30) days after the expiration of the probationary period, the employee shall be deemed to have satisfactorily completed the probation unless the appointing authority receives approval from the state personnel direc-

tor to extend the probationary period for good cause for an additional specified period not to exceed six (6) months. 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.~~

(j) A rule concerning provisional appointments.

(k) A rule concerning temporary appointments.

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

(m) A rule for the disciplinary dismissal, demotion, suspension or other discipline of 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 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 by the state constitution, state statutes, rules and regulations of 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 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 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 the application for the position.
16. Failure to obtain or maintain a current license or certificate lawfully required as a condition for performing the duties of the job.

17. Prohibited participation in political activities.

(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.

(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.

(p) Rules to establish procedures for examinations as necessary for the purpose of maintaining current registers from which to fill employment vacancies.

(q) 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.

(r) A rule concerning "project exempt" appointments.

(s) 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.

Approved March 25, 1987.

CHAPTER 100
(S.B. No. 1060)

AN ACT

RELATING TO STATE EMPLOYEE GRIEVANCE PROCEDURES; AMENDING SECTION 67-5315, IDAHO CODE, TO REQUIRE ALL PARTICIPATING DEPARTMENTS TO ADOPT A UNIFORM GRIEVANCE PROCEDURE BY JANUARY 1, 1988, TO REQUIRE THE IDAHO PERSONNEL COMMISSION TO ADOPT BY RULE A UNIFORM GRIEVANCE PROCEDURE BY JULY 1, 1987, AND TO PROVIDE THAT ANY MATTER, EXCEPT COMPENSATION AND TERMINATION, IS GRIEVABLE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-5315, Idaho Code, be, and the same is hereby amended to read as follows:

67-5315. ESTABLISHMENT AND ADOPTION OF EMPLOYEE GRIEVANCE PROCEDURE. (1) Each participating department shall, on or before January 1, 1~~97~~88, establish and adopt an employee grievance procedure within such department, which shall be reduced to writing and shall be in full compliance with the provisions of the uniform grievance procedure as adopted by rule by the Idaho personnel commission pursuant to subsection (4) of this section. The department grievance procedure shall be approved by the Idaho personnel commission prior to implementation. 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, vacation leave, sick leave, disciplinary dismissal, suspensions, involuntary transfers, promotions and demotions.~~ A classified employee may grieve any matter, except that 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, and except for termination during the entrance probationary period.

(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 the right 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 the right to proceed pursuant to the grievance procedure nor of 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 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 the department shall constitute a waiver of the employee's right of review by the commission.

(4) ~~Any grievance procedure adopted by a department~~ On or before July 1, 1987, the Idaho personnel commission shall adopt a rule defining a uniform grievance procedure for use by all participating departments. The rule shall provide a complete procedure for all stages of the grievance process. Among other provisions, the procedure 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 repre-

sented by a person of the employee's own choosing at each step of the procedure, except the initial informal discussion with the immediate supervisor.

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

Approved March 25, 1987.

CHAPTER 101
(S.B. No. 1084)

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1002, IDAHO CODE, TO MODIFY THE ELEMENTARY SUPPORT UNIT CALCULATION FOR ENROLLMENTS LESS THAN THREE HUNDRED AVERAGE DAILY ATTENDANCE.

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~~
160 to 299.99 ADA....	20.....	8.4
110 to 159.99 ADA....	19.....	6.8
71.1 to 109.99 ADA....	16.....	4.7
51.7 to 71.0 ADA....	15.....	4.0
33.6 to 51.6 ADA....	13.....	2.8

16.6 to 33.5 ADA....12.....		1.4
1.0 to 16.5 ADA....n/a.....		1.0

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, 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 25, 1987.

CHAPTER 102
(S.B. No. 1081)

AN ACT

RELATING TO HAZARDOUS WASTE PERMITS; AMENDING SECTION 39-4409, IDAHO CODE, TO PROVIDE FOR A ONE YEAR RESEARCH, DEVELOPMENT AND DEMONSTRATION PERMIT.

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

SECTION 1. 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.

(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;

(g) Emergency equipment and emergency response plans appropriate to the facilities and sites;

(h) Public participation in the permitting process consistent with 42 U.S.C. section 6974(b).

(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.

(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.

(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.

(8) (a) The director of the department may issue a research, development and demonstration permit for any hazardous waste treatment technology or process for which permit standards for such experimental activity have not been promulgated. Any such permit shall include such terms and conditions as will assure protection of human health and the environment. Such permits shall:

1. Provide for the construction of such facilities, as necessary, and for operation of the facility for not longer than one (1) year (unless renewed as provided below); and

2. Provide for the receipt and treatment by the facility of only those types and quantities of hazardous waste which the director deems necessary for purposes of determining the efficiency and performance capabilities of the technology or process and the effects of such technology or process on human health and the environment; and

3. Include such requirements as the director deems necessary to protect human health and the environment (including, but not limited to, requirements regarding monitoring, operation, insurance or bonding, financial responsibility, closure, and remedial action); and

4. Include such requirements as the director deems necessary regarding testing and providing of information to the director with respect to the operation of the facility.

(b) The director may apply the criteria set forth in paragraph (a) of this subsection in establishing the conditions of each permit without separate establishment of regulations implementing such criteria.

(c) For the purpose of expediting review and issuance of permits under this subsection, the director may, consistent with the protection of human health and the environment, modify or waive permit application and permit issuance requirements established in the general permit regulations except that there may be no modification or waiver of regulations regarding financial responsibility (including insurance) or of applicable public participation procedures.

Approved March 25, 1987.

CHAPTER 103
(S.B. No. 1082)

AN ACT

RELATING TO THE SITING LICENSE REQUIREMENT OF THE STATE HAZARDOUS WASTE FACILITY SITING ACT; AMENDING SECTION 39-5802, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT TO AVOID DUPLICATION OF HAZARDOUS WASTE PERMITTING BY HAVING THE SITE LICENSE BE A PRELIMINARY, GENERAL REVIEW; AMENDING SECTION 39-5812, IDAHO CODE, TO PROVIDE FOR RECOMMENDATIONS REGARDING THE SITE LICENSE TO BE PROVIDED TO THE DIRECTOR BY THE SITE REVIEW PANELS, TO ELIMINATE A REDUNDANT REFERENCE TO YEARS OF SERVICE, AND TO PROVIDE FOR A NONVOTING CHAIRMAN OF A PANEL; AMENDING SECTION 39-5813, IDAHO CODE, TO PROVIDE ADDITIONAL INFORMATION TO BE REQUIRED IN A LICENSE APPLICATION, AND TO PROVIDE FOR A COMPLETENESS DETERMINATION; AMENDING SECTION 39-5814, IDAHO CODE, TO PROVIDE A COMPLETENESS REFERENCE, TO PROVIDE A FURTHER NOTICE REQUIREMENT, TO ELIMINATE THE EXISTING TIMETABLE AND PROCEDURE FOR THE LICENSING PROCESS, AND TO PROVIDE A SHORTER AND MORE EFFICIENT TIMETABLE AND PROCEDURE FOR THE LICENSING PROCESS; AND REPEALING SECTION 39-5815, IDAHO CODE.

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

SECTION 1. That Section 39-5802, Idaho Code, be, and the same is hereby amended to read as follows:

39-5802. LEGISLATIVE INTENT. (1) The legislature of the state of Idaho hereby finds that adverse public health and environmental impacts can result from the improper land disposal of hazardous waste and that the need for establishing safe sites with adequate capacity for the disposal of hazardous waste is a matter of statewide concern, and the provisions of this chapter are therefore enacted to provide an effective method of establishing such sites.

(2) It is the intent of the legislature of the state of Idaho that generators of hazardous waste be encouraged to use on-site and off-site alternative treatment methods to reduce the amount of hazardous waste that must be discharged into the environment and to reduce associated hazards to the health and welfare of the citizens of this state. Alternative management technologies which detoxify, stabilize and reduce the amount of hazardous waste that must be buried are available. For such purpose, the provisions of this chapter are enacted to allow the development of safe alternative methods for the treatment of hazardous waste and to provide a means for the designation of hazardous waste disposal sites when such methods are unable to obviate the need for hazardous waste disposal on land. Whereas the state of Idaho may be responsible for the perpetual care of hazardous waste land disposal facilities, alternative technologies such as incineration, resource recovery, or physical, chemical or biological degradation should be implemented to the maximum extent possible.

(3) It is the intent of the legislature that the site license process not duplicate the existing hazardous waste management act per-

mitting process as set forth in section 39-4409, Idaho Code. The site license is a preliminary, general review which is not based on the type of specific, detailed technical information required for the hazardous waste management act permit.

SECTION 2. That Section 39-5812, Idaho Code, be, and the same is hereby amended to read as follows:

39-5812. SITE REVIEW PANELS -- MEMBERS, CHAIRMAN, QUORUM, MEETINGS, STAFF. (1) ~~Within the department, a~~ A site review panel shall be established ~~in order~~ to ~~receive~~ insure public input ~~early~~ in the ~~permitting~~ licensing process and to ~~approve, deny or add provisions to~~ recommend to the director conditions which should be included in the siting license ~~in order~~ . Such conditions may include measures to mitigate public concerns for the following types of facilities:

(a) All commercial hazardous waste disposal facilities not in existence prior to July 1, 1985;

(b) All commercial hazardous waste treatment or storage facilities not in existence prior to July 1, 1985;

(c) Any on-site disposal of wastes listed pursuant to section 201(d)(2) and (e) as modified by section 209 of "The Hazardous and Solid Waste Amendments of 1984," as enacted by the U.S. congress, for sites not in existence prior to July 1, 1985~~.~~;

(d) Any significant expansion of the above-listed facilities after July 1, 1985.

A panel shall consist of ten (10) members to be appointed as provided in subsections (2) and (3) of this section.

(2) The following six (6) members shall serve on every panel established to review a siting license application:

(a) Three (3) members shall be representatives of this state, one (1) each from the department of health and welfare, the department of water resources and the Idaho transportation department. A member who is a representative of this state shall be appointed by each of the directors of the respective departments and a vacancy shall be filled as necessary by the appropriate director. A member who is a representative of the state shall be appointed to serve on site review panels for a period of two (2) years and may be appointed for additional two (2) year periods. In addition, a member who is a representative of the state may serve beyond the expiration of the member's two (2) year period of service for so long a period of time as is necessary to complete action on siting license applications pending at the expiration of the member's term.

(b) Three (3) members shall be public members appointed by the governor with the advice and consent of the senate. One (1) public member shall be a geologist or hydrologist, one (1) an engineer, and one (1) a representative of industries which generate hazardous waste. One (1) public member shall be on the faculty of an institution of higher education in this state. A vacancy shall be filled for the unexpired portion of the period in the same manner as the original appointment. A member who is a public member shall be appointed to serve on site review panels for a period of

three (3) years and may be appointed for additional three (3) year periods. ~~In--addition,--a-member-who-is-a-public-member-may-serve beyond-the-expiration-of-the-member's-three-(3)--year--period--of service.~~

(3) The following four (4) members shall serve on a panel which is established to consider a particular siting license application:

(a) Two (2) members shall be appointed by the city council of the city located closest to or in which the hazardous waste treatment, storage, or disposal facility is proposed to be located, at least one (1) of whom shall be a resident of the city. The members serving pursuant to this subsection shall serve until the particular siting license application subject to their review is approved, or until the application is rejected and is no longer subject to their review.

(b) Two (2) members shall be residents of the county where the hazardous waste treatment, storage, or disposal facility is proposed to be located and shall be appointed by the board of commissioners of the county. The members serving pursuant to this subsection shall serve until the particular siting license application subject to their review is approved, or until the application is rejected and is no longer subject to their review.

(4) The member appointed as the representative of the state from the department shall be chairman of each panel and shall notify the city council of the nearest city and the board of county commissioners of a siting license application filed with the department, and shall instruct the city and county to appoint the necessary representatives to a panel. The chairman shall be a nonvoting member of the panel except when the chairman's vote is necessary to break a tie vote.

(5) Six (6) of the ten (10) members of the panel shall constitute a quorum for the transaction of business of the panel and the concurrence of six (6) members of the panel shall constitute a legal action of the panel. All meetings of the panel shall be conducted pursuant to the state open meeting law.

(6) The director shall make staff available to assist a panel in carrying out its responsibilities.

(7) Members of the panel who are not state employees shall be entitled to receive compensation as provided in section 59-509(b), Idaho Code.

SECTION 3. That Section 39-5813, Idaho Code, be, and the same is hereby amended to read as follows:

39-5813. SITING LICENSE APPLICATION -- FEE -- RULES AND REGULATIONS. (1) An application for a siting license shall ~~contain the~~ include:

(a) The name and residence of the applicant~~,~~;

(b) ~~T~~the location of the proposed hazardous waste treatment, storage, or disposal facility ~~and other information required under the provisions of this chapter.~~;

(c) Engineering or hydrogeologic information to indicate compliance with technical criteria as adopted in the hazardous waste management plan if applicable;

(d) A description of the types of wastes proposed to be handled at the facility;

(e) Information showing that harm to scenic, historic, cultural or recreational values is not substantial or can be mitigated;

(f) Information showing that the risk and impact of accident during transport of hazardous waste is not substantial or can be mitigated; and

(g) Information showing that the impact on local government is not adverse regarding health, safety, cost and consistency with local planning and existing development or can be mitigated.

(2) Within thirty (30) days after receipt of the application, the director shall determine whether it is complete. If it is not complete, the director shall notify the applicant and state the areas of deficiency.

(3) The application shall be accompanied by a siting license fee. The director shall establish by rule, the scale for determining the siting license application fee. The fee shall not exceed seven thousand five hundred dollars ($7,500) and shall be based on the cost to the department of reviewing the siting license application. The scale shall be based on characteristics including the site size, projected waste volume, and hydrogeological characteristics surrounding the site. Fees received pursuant to this section may be expended by the director to pay the actual, reasonable and necessary costs incurred by the department in acting upon a siting license application. The director may promulgate rules and regulations in compliance with chapter 52, title 67, Idaho Code, in order to implement and administer the provisions of this section.

SECTION 4. That Section 39-5814, Idaho Code, be, and the same is hereby amended to read as follows:

39-5814. DUTIES OF DIRECTOR UPON RECEIPT OF A SITING LICENSE APPLICATION -- RECOMMENDATION. (1) Upon receipt of a complete siting license application, the director or an authorized representative of the director shall:

(a) Immediately notify the permanent panel members, the city and/or county in which the hazardous waste treatment, storage, or disposal facility is located or proposed to be located, the state fire marshal, the director of the department of fish and game, the director of the department of law enforcement, and each division within the department that has responsibility in land, air or water management, and other appropriate agencies. The notice shall describe the procedure and the schedule based on the complexity of the application by which the siting license may be approved or denied.

(b) Immediately pPublish a ~~twenty--(20)--days'~~ notice that the application has been received, as provided in section 60-109, Idaho Code, in a newspaper having major circulation in the county and the immediate vicinity of the proposed hazardous waste treatment, storage, or disposal facility. The required published notice shall contain a map indicating the location of the proposed hazardous waste treatment, storage, or disposal facility and shall

contain a description of the proposed action and the location where the complete application package may be reviewed and where copies may be obtained. The notice shall describe the procedure by which the siting license may be granted.

~~(c)--Review--the--plans-of-the-proposed-hazardous-waste-treatment,-storage,-or-disposal-facility-to-determine-if-the--proposed--operation--complies-with-the-provisions-of-this-chapter-or-chapter-44,-title-39,-Idaho-Code,-and-rules-and-regulations--promulgated--pursuant-to-those-chapters.-The-review-shall-also-include,-but-not-be limited--to,--air--quality,--water--quality,--waste-management-and hydrogeology.-Documentation-of-the-review-process-shall-be-kept-by the-department.-If-the-site-review,-plan-review-and--the--application--meet--the--requirements-of-chapter-44,-title-39,-Idaho-Code, the-provisions-of-this--chapter--and--the--rules--and--regulations promulgated--pursuant-to-those-chapters,-the-director-shall-recommend-approval-for-a-siting-license-which-may-contain--stipulations specifically--applicable--to-the-site-and-operation.-An-expansion, enlargement-or-alteration-of-a-hazardous-waste-treatment,-storage, or-disposal-facility-beyond-the-specified-areas-indicated--in--the siting--license-application-constitutes-a-new-proposal-for-which-a new-siting-license-is-required.~~

~~(d)--The-director-shall-also-coordinate--and--review--all--permits which--the--applicant-is-required-to-obtain-from-the-department-in order-to-construct-the-proposed-hazardous-waste--treatment,--storage,-or-disposal-facility.~~

(2) ~~The--director--may--recommend-approval-or-may-deny-a-complete siting-license-application-within-one-hundred-twenty-(120)-days--after the--director--receives--an--application--meeting--the-requirements-in section-39-5813,-Idaho-Code.~~ Upon notification by the director, the chairman shall immediately notify the representatives of the state to the panel and the public members. The chairman shall also notify the applicable county and city for their appointment of members as provided in subsection (3) of section 39-5812, Idaho Code. Within thirty (30) days after the notification, the board of commissioners of the county and the city council shall select the members to serve on the panel. The panel shall be created at that time and notification of the creation of the panel shall be made to the chairman.

(3) ~~If--the-director-does-not-recommend-approval-or-does-not-deny a-complete-siting-license-application-within-one-hundred-twenty--(120) days,--the--complete--siting-license-application-shall-be-submitted-to the-panel-for-action.~~ If technical criteria are not applicable, the director shall submit to the panel a draft site license which includes conditions based on the information submitted in the application. The director shall also recommend to the panel that the license be issued or denied. The draft license submittal shall be made within sixty-five (65) days after a complete application is received.

(4) ~~If--the-director-recommends-approval-of-a-complete-siting-license-application,-the-director-shall-immediately-notify-the-applicant and-the-chairman-of-the-panel.--The--recommendation--shall--include--a notice--of--intent--to--issue-the-siting-license-required-for-the-construction-pending-approval--by--the--panel--under--the--provisions--of section--39-5815,--Idaho-Code.~~ If technical criteria as adopted in the

hazardous waste management plan are applicable, the director shall determine if the proposed facility complies with the criteria. Such determination shall be made within forty-five (45) days after a complete application is received. If the technical criteria are not met, the director shall deny the license and the panel shall be disbanded. If the technical criteria are met, the director shall submit to the panel a draft site license which includes conditions regarding the technical criteria to be met. These conditions may be more stringent than those in the plan if warranted by information provided in the application. The draft license may also include additional conditions based on the information submitted in the application regarding the construction of the facility. The director shall also recommend to the panel that the license be issued or denied. The denial or draft license submittal shall be made within sixty-five (65) days after a complete application is received. The director shall immediately notify the applicant and the chairman of the panel of the denial or draft license submittal.

~~(5) If the director gives notice of the director's intent to deny the application within one hundred twenty (120) days of receiving the complete siting license application, the director shall return the application to the applicant and indicate in writing steps the applicant can take to make the application acceptable if a new application is made.~~

~~(6) For the purposes of this section, a siting license application shall be deemed complete when it meets the completeness requirements for permit applications in terms of the rules and regulations promulgated pursuant to chapter 44, title 39, Idaho Code.~~ Within ten (10) days after submittal of a draft license, the panel shall meet to review and establish a timetable for the consideration of the draft site license.

(6) The panel shall:

(a) Set a date and arrange for publication of notice of a public hearing in a newspaper having major circulation in the vicinity of the proposed site, at its first meeting. The public notice shall:

(i) Contain a map indicating the location of the proposed hazardous waste treatment, storage, or disposal facility, a description of the proposed action, and the location where the application for a siting license may be reviewed and where copies may be obtained;

(ii) Identify the time, place and location for the public hearing held to receive public comment and input on the application for a siting license;

(b) Publish the notice not less than thirty (30) days before the date of the public hearing and the notice shall be, at a minimum, a twenty (20) days' notice as provided in section 60-109, Idaho Code.

(7) Comment and input on the proposed hazardous waste treatment, storage, or disposal facility may be presented orally or in writing at the public hearing, and shall continue to be accepted in writing by the panel for fifteen (15) days after the public hearing date.

(8) The panel shall consider, among other things:

(a) The risk and impact of accident during the transportation of

hazardous waste;

(b) The risk of fires or explosions from improper treatment, storage, or disposal methods;

(c) The impact on local units of government where the proposed hazardous waste treatment, storage, or disposal facility is to be located in terms of health, safety, cost and consistency with local planning and existing development. The panel shall also consider city and county ordinances, permits or other requirements and their potential relationship to the proposed hazardous waste treatment, storage, or disposal facility;

(d) The nature of the probable environmental impact.

(9) The panel's primary responsibility shall be to consider the concerns and objections submitted by the public. The panel shall facilitate efforts to provide that the concerns and objections are mitigated by proposing additional conditions regarding the construction of the facility. The panel may propose conditions which integrate the provisions of the city or county ordinances, permits or requirements.

(10) Within ninety (90) days after creation, the panel shall recommend to the director that the license be issued as proposed, issued with different or additional conditions, or denied. The director shall make a final decision within thirty (30) days after receipt of the panel's recommendation. If the panel recommends different or additional conditions, a clear statement of the need for the condition must be submitted to the director. If the panel recommends denial, a clear statement of the reasons for the denial must be submitted to the director.

(11) The director shall issue a siting license if the director determines that:

(a) The technical criteria are met;

(b) The harm to scenic, historic, cultural or recreational values is not substantial or can be mitigated by appropriate license conditions;

(c) The risk and impact of accident during transportation of hazardous waste is not substantial or can be mitigated with appropriate license conditions;

(d) The impact on local government is not adverse regarding health, safety, cost and consistency with local planning and existing development or can be mitigated with appropriate license conditions; and

(e) No other major concerns have been raised by the panel regarding public health or the environment which cannot be mitigated by special license conditions.

(12) An applicant denied a siting license pursuant to this chapter or any person aggrieved by a decision of the director pursuant to this chapter may within sixty (60) days, after all remedies have been exhausted under the provisions of this chapter, seek judicial review under the procedures provided in sections 67-5215 and 67-5216, Idaho Code.

(13) No permit pursuant to section 39-4409, Idaho Code, shall be issued unless the applicant has been issued a site license.

SECTION 5. That Section 39-5815, Idaho Code, be, and the same is hereby repealed.

Approved March 25, 1987.

CHAPTER 104
(S.B. No. 1068, As Amended)

AN ACT

RELATING TO THE PESTICIDE LAW; AMENDING SECTION 22-3404, IDAHO CODE, TO CLARIFY REQUIREMENTS FOR CERTAIN PESTICIDE APPLICATOR LICENSING AND TO PROVIDE CORRECT CITATIONS AND NOMENCLATURE.

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

SECTION 1. That Section 22-3404, Idaho Code, be, and the same is hereby amended to read as follows:

22-3404. PESTICIDE APPLICATORS -- CLASSIFICATION LICENSING REQUIREMENTS. (1) The director may classify pesticide applicator licenses issued under this act. Such classifications may include but are not limited to commercial applicators, limited applicators, and private applicators. Separate licensing requirements and testing procedures may be utilized for each classification.

(2) Commercial Applicators - no individual shall act as a commercial applicator without first obtaining a commercial applicator's license issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to apply, use and handle pesticides in areas relevant to the operations he intends to undertake; and

(c) insurance, bond, or cash deposit in escrow must be provided for as prescribed by regulation; and

(d) an applicant must pay an annual license fee and registration fee for each piece of spraying equipment as prescribed by regulation; and

(e) an examination fee will be charged as prescribed by regulation and an additional examination fee of five dollars ($5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(f) if at any time a licensed commercial applicator fails to maintain the financial responsibility required by paragraph (c) of this subsection, his license shall be automatically suspended until the department receives verification that he is in compliance with paragraph (c) of this subsection.

(3) Commercial Operators - no individual shall act as a commercial operator without first obtaining a commercial operator license

issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to apply, use and handle pesticides in areas relevant to the operations he intends to undertake; and

(c) an examination fee will be charged as prescribed by regulation and an additional examination fee of five dollars ($5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(d) an applicant must pay an annual license fee as prescribed by regulation; and

(e) an applicant must be employed by a licensed commercial applicator.

(4) Limited Applicator - no individual shall act as a limited applicator without first obtaining a limited applicator's license issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to use, apply and handle pesticides in areas relevant to the operations he plans to undertake; and

(c) an examination fee will be charged as prescribed by regulation and an additional examination fee of five dollars ($5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(d) an applicant must pay an annual license fee as prescribed by regulation.

(5) Private Applicator - no individual shall act as a private applicator without first fulfilling the licensing requirements prescribed by regulation.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age; and

(c) an applicant must pay a license fee as prescribed by regulation.

(6) If the director finds an applicant qualified for a commercial applicator's license, operator's license, limited applicator's license or private applicator's license; and if an applicant applying for a license to engage in the ~~aerial~~ application of pesticides has met all of the requirements of ~~the--federal--aviation-agency-and~~ any ~~other~~ applicable federal or state laws and regulations, the director shall issue such license. The license or permit may restrict the applicant to the use of a certain type or types of equipment or pesticides. If a license or permit is not issued as applied for, the department shall inform the applicant in writing of the reasons therefor.

(7) The director may by regulation require commercial or limited applicators to maintain and furnish records forthwith pertaining to the application of pesticides and other relevant information as he may deem necessary.

(8) License expiration:

(a) Licenses issued to commercial applicators, commercial operators, and limited applicators shall expire on December 31, following issuance unless it has been suspended or revoked as provided for in section 22-3409, Idaho Code; and

(b) licenses issued to private applicators shall expire as designated by the director unless suspended or revoked as provided for in section 22-3409, Idaho Code.

(9) Exemptions:

(a) The following individuals are exempt from ~~paragraphs~~ subsections (2), (3), (4), (5) and (~~5~~6) of this section:

1. Any farmer applying pesticides other than restricted-use pesticides restricted to use only by certified applicators for himself or on an exchange of service basis who does not publicly hold himself out as a commercial applicator; and

2. any individual using hand-powered equipment to apply pesticides other than restricted-use pesticides restricted to use only by certified applicators to lawns, or to ornamental trees and shrubs owned by such person or as an incidental part of his business of taking care of yards for remuneration and not holding himself out as a commercial applicator; and

3. any industry, governmental, University of Idaho research personnel and extension research personnel who apply pesticides other than restricted-use pesticides restricted to use only by certified applicators to experimental plots or to demonstrate the use of pesticides and do not publicly hold themselves out as commercial applicators; and

4. any veterinarian who applies pesticides as an integral part of his business and does not publicly hold himself out as a commercial applicator.

(b) Federal, state, and county agencies are exempt from the licensing fees provision of subsections (2) and (3) of this section.

Approved March 25, 1987.

CHAPTER 105
(S.B. No. 1021)

AN ACT

RELATING TO THE TRANSPORTATION OF HAZARDOUS WASTE AND HAZARDOUS MATERIALS; AMENDING SECTION 49-2509, IDAHO CODE, TO PROVIDE THAT NO CIVIL ENFORCEMENT ACTION SHALL BE FILED WHILE AN ADMINISTRATIVE ACTION IS STILL PENDING UNDER THE STATE'S HAZARDOUS MATERIALS AND HAZARDOUS WASTE TRANSPORTATION ACT; AND AMENDING SECTION 49-2511, IDAHO CODE, TO PROVIDE THAT A VIOLATOR MAY BE REQUIRED TO PAY COMPENSATION FOR DAMAGES TO PUBLICLY HELD RESOURCES TO RESTORE THE RESOURCE TO ITS HIGHEST IMMEDIATELY PREVIOUS USE.

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

SECTION 1. That Section 49-2509, Idaho Code, be, and the same is hereby amended to read as follows:

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 enforcement action, but no such civil enforcement action shall be filed while an administrative action is still pending.

SECTION 2. That Section 49-2511, Idaho Code, be, and the same is hereby amended to read as follows:

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 immediately 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 irreparable damage will occur should the injunction or order not be issued or that the remedy at law is inadequate.

Approved March 25, 1987.

CHAPTER 106
(S.B. No. 1161)

AN ACT

RELATING TO EXCEPTIONS TO GOVERNMENTAL LIABILITY; AMENDING SECTION 6-904, IDAHO CODE, TO PROVIDE AN UNQUALIFIED EXCEPTION OF GOVERNMENTAL IMMUNITY FOR CLAIMS ARISING OUT OF THE ACTIVITIES OF THE IDAHO NATIONAL GUARD.

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

SECTION 1. That Section 6-904, Idaho Code, be, and the same is hereby amended to read as follows:

6-904. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity and its employees while acting within the course and scope of

their employment and without malice or criminal intent shall not be liable for any claim which:

1. Arises out of any act or omission of an employee of the governmental entity exercising ordinary care, in reliance upon or the execution or performance of a statutory or regulatory function, whether or not the statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee thereof, whether or not the discretion be abused.

2. Arises out of the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement officer.

3. Arises out of the imposition or establishment of a quarantine by a governmental entity, whether such quarantine relates to persons or property.

4. Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

5. Arises out of the activities of the Idaho national guard when engaged in training or duty under sections 316, 502, 503, 504, 505 or 709, title 32, United States Code~~, and the claim arising therefrom is payable under the provisions of the National Guard Claims Act (section 715, title 32, United States Code) except that a claimant not compensated in whole or in part under the National Guard Claims Act may assert his claim under this act~~.

6. Arises out of the activities of the Idaho national guard when engaged in combatant activities during a time of war.

7. Arises out of or results from riots, unlawful assemblies, public demonstrations, mob violence or civil disturbances.

8. Arises out of a plan or design for construction or improvement to the highways, roads, streets, bridges, or other public property where such plan or design is prepared in substantial conformance with engineering or design standards in effect at the time of preparation of the plan or design, approved in advance of the construction or approved by the legislative body of the governmental entity or by some other body or administrative agency, exercising discretion by authority to give such approval.

Approved March 25, 1987.

CHAPTER 107
(S.B. No. 1173)

AN ACT

RELATING TO THE JUDGES' RETIREMENT FUND; AMENDING SECTION 1-2004, IDAHO CODE, TO PROVIDE THAT NO DEDUCTIONS FOR THE JUDGES' RETIREMENT FUND SHALL BE MADE FROM A JUDGE'S COMPENSATION AFTER TWENTY YEARS OF SERVICE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 1-2004, Idaho Code, be, and the same is hereby amended to read as follows:

1-2004. DEDUCTIONS FROM SALARIES OF JUSTICES AND JUDGES -- CONTRIBUTIONS TO FUND. The state auditor shall deduct from the monthly compensation of each justice and judge now holding office, and from the monthly compensation of each person who shall thereafter assume by election or appointment the office of a justice of the Supreme Court or a judge of a district court, an amount equal to six per cent (6%) of his monthly compensation, and shall issue to such justice or judge a salary warrant in such reduced amount, and shall pay the withheld sums into the judges' retirement fund; provided, however, that after twenty (20) years of service no deductions shall be taken from a judge's compensation for payment to the judges' retirement fund. Between the first and twentieth day of each month, the Supreme Court shall, from appropriations made for that purpose as part of the employer's contribution, remit to the judges' retirement fund an amount equal to seven per cent (7%) of salaries paid during the previous month to justices and judges who are making contributions to the judges' retirement fund.

SECTION 2. This act shall be in full force and effect on and after July 1, 1987.

Approved March 25, 1987.

CHAPTER 108
(S.B. No. 1045)

AN ACT

RELATING TO OCCUPATIONAL DISEASES; AMENDING SECTION 72-448, IDAHO CODE, TO PROVIDE THAT WRITTEN NOTICE OF A CLAIM FOR DEATH OR DISABLEMENT DUE TO ASBESTOSIS OR BERYLLIOSIS MAY BE GIVEN WITHIN ONE YEAR OF INCAPACITY OR DEATH OR INITIAL KNOWLEDGE OF THE OCCUPATIONAL NATURE OF THE DISEASE.

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

SECTION 1. That Section 72-448, Idaho Code, be, and the same is hereby amended to read as follows:

72-448. NOTICE OF CONTRACTION OF DISEASE AND CLAIM FOR COMPENSATION. (1) Except in cases of silicosis for which notice of contraction and claim for compensation may be given at any time within the four (4) year limitation provided in section 72-439, Idaho Code, unless written notice of the manifestation of an occupational disease shall be given by the employee to the employer within sixty (60) days

after the first manifestation thereof, and within five (5) months after the employment has ceased in which it is claimed the disease was contracted, and, in case of death, unless written notice of such death be given within ninety (90) days after the occurrence and unless claim for disability or death shall be made within one (1) year after manifestation of the disease or death respectively, all rights to compensation for disability or death from injury due to an occupational disease shall be forever barred.

(2) Provided, that when disablement or death is the result of exposure to radioactive properties of substances or sources of the ionizing radiation in any occupation involving direct contact therewith, handling thereof or exposure thereto, or asbestosis or berylliosis and other unusual cases of occupational diseases, written notice may be given any time and a claim filed within one (1) year after the date upon which the employee first suffered incapacity, disability or death from such exposure and knew or in the exercise of reasonable diligence should have known that the occupational disease was caused by his present or prior employment.

Approved March 25, 1987.

CHAPTER 109
(S.B. No. 1108)

AN ACT

RELATING TO LICENSE BONDS FOR VEHICLE DEALERS; AMENDING SECTION 49-2409, IDAHO CODE, TO PROVIDE QUALIFICATIONS FOR BONDS FOR VEHICLE DEALERS.

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

SECTION 1. That Section 49-2409, Idaho Code, be, and the same is hereby amended to read as follows:

49-2409. LICENSE BOND. Before any vehicle dealer's license shall be issued by the department to any applicant, the said applicant shall procure and file with the department good and sufficient bond in the amount shown for the following classes, with corporate surety thereon, duly licensed to do business within this state, approved as to form by the attorney general of the state, and conditioned that said applicant shall not practice any fraud, make any fraudulent representation or violate any of the provisions of this act, or rules and regulations promulgated by the department, or the provisions of chapter 4, title 49, Idaho Code, section 49-1128, Idaho Code, chapter 6, title 48, Idaho Code, or the federal motor vehicle safety standards, in the conduct of the business for which he is licensed:

(1) New vehicle dealer, twenty thousand dollars ($20,000).
(2) Used vehicle dealer, twenty thousand dollars ($20,000).
(3) New motorcycle or motor scooter dealer, ten thousand dollars

($10,000).

(4) Used motorcycle or motor scooter dealer, ten thousand dollars ($10,000).

(5) Mobile home or travel trailer dealer, twenty thousand dollars ($20,000).

(6) Motor home dealer, twenty thousand dollars ($20,000).

(7) Wholesale dealer, twenty thousand dollars ($20,000).

The bond for any vehicle dealer licensed or to be licensed under more than one (1) classification shall be in the amount of the highest bond required for any such classification. The bond required in this section may be continuous in form and the total aggregate liability on the bond shall be limited to the payment of the amounts set forth in this section.

Approved March 25, 1987.

CHAPTER 110
(S.B. No. 1154)

AN ACT

RELATING TO ALCOHOLIC BEVERAGES; AMENDING SECTION 23-927, IDAHO CODE, TO PROVIDE PROPER REFERENCES; AND AMENDING SECTION 23-1012, IDAHO CODE, TO PROVIDE THAT THE LAWFUL HOURS FOR SALE OF BEER MAY BE EXTENDED TO TWO O'CLOCK A.M. BY A COUNTY.

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) and subsection (2) above shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverages already served.

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

(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) and subsection (2) 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) and subsection (2) of this section, and any such person who fails to perform the duty provided herein shall be guilty of a misdemeanor.

SECTION 2. That Section 23-1012, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) Any patron present on the licensed premises after the sale of beer has stopped as provided in subsections (1) above and (4) herein shall have a reasonable time, not to exceed thirty (30) minutes, to consume any beverage already served.

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

(4) A county may, however, extend, until two (2) o'clock A.M., the hours of the sale of beer.

Approved March 25, 1987.

CHAPTER 111
(S.B. No. 1053, As Amended)

AN ACT

RELATING TO THE LEASING OF STATE LANDS; AMENDING SECTION 58-307, IDAHO CODE, TO CORRECT AN ERROR, TO DEFINE THE LEASE TERM FOR LEASES

OTHER THAN GEOTHERMAL, OIL AND GAS, AND MINERAL LEASES, TO REQUIRE THAT THE ANNUAL RENTAL FOR LEASES OTHER THAN GEOTHERMAL, OIL AND GAS, AND MINERAL LEASES IS DUE AND PAYABLE ON JANUARY FIRST, TO PROVIDE WHEN GRAZING LEASES SHALL BE DUE AND PAYABLE AND TO REQUIRE THAT ALL APPLICATIONS TO LEASE OR TO RENEW AN EXISTING LEASE WHICH IS ABOUT TO EXPIRE MUST BE FILED BY THE PRECEDING SEPTEMBER THIRTIETH.

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

SECTION 1. That Section 58-307, Idaho Code, be, and the same is hereby amended to read as follows:

58-307. TERM OF LEASE -- APPLICATION FOR RENEWAL -- ALLOWANCE FOR IMPROVEMENTS. No lease of state lands, other than those valuable for stone, coal, oil, gas or other minerals, shall be for a longer term than ten (10) years; provided, however, that state lands other than educational endowment lands may be leased for a period of up to twenty-five (25) years to federal agencies, state agencies, counties or cities when leased for public purposes. ~~The annual rental for all leases except grazing leases must be paid from January first of the year in which the lease is issued. The annual rental for all grazing leases must be paid by not later than May 1 by the lessee under the terms of the lease.~~ Except for geothermal, oil and gas, and mineral leases, the lease year shall run from January 1 through December 31, and all leases shall expire on December 31 of the year of expiration. The annual rental shall be due and payable in advance of year one of the lease and by January 1 of each succeeding year, except for grazing leases which shall be due and payable by the date set by the state board of land commissioners in the lease, but in no case shall the rental for grazing leases be due and payable earlier than January 1 or later than May 1 of each succeeding year. All applications to lease or to renew an existing lease which expires December thirty-first of any year, shall be filed in the office of the director of the department of lands ~~before~~ by the ~~thirty-first~~ thirtieth day of ~~August~~ September preceding the date of such expiration. Such applications will be considered by the state land board after November first following and be disposed of in the manner provided by law. Where conflicts appear such applications filed between said dates shall be considered as having been filed simultaneously. However, nothing herein shall be construed to prevent the state board of land commissioners from accepting and considering applications for new leases at any time: provided, in case improvements have been made on land while under lease which is expiring, and the former lessee is not the successful bidder, but the land is leased to another, the amount of such improvements shall be paid to the former lessee. The following shall be considered improvements: plowing done within one (1) year, provided no crop has been raised on the plowed land after such plowing, fencing, buildings, cisterns, wells, growing crops and any other asset which shall be considered an improvement by the director.

Approved March 25, 1987.

CHAPTER 112
(S.B. No. 1055)

AN ACT
RELATING TO WATERMASTERS; AMENDING SECTION 42-605, IDAHO CODE, TO PROVIDE THAT THE ACTIONS OF WATERMASTERS PROPERLY APPOINTED BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES ARE COVERED BY THE STATE GROUP SURETY BOND.

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

SECTION 1. That Section 42-605, Idaho Code, be, and the same is hereby amended to read as follows:

42-605. DISTRICT MEETINGS -- WATERMASTER AND ASSISTANTS -- ELECTION -- REMOVAL -- OATH AND BOND. (1) There shall be held on the first Monday in March in each year, commencing at two o'clock P.M., a meeting of all persons owning or having the use of a water right, in the waters of the stream or water supply comprising such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources.

(2) Such meeting shall be held at some place within the water district, convenient to a majority of those entitled to vote thereat, which place shall be designated by the department of water resources, and the department shall, between January first and February first of each year, file such designation with the county auditor of the county or counties within which such water district is situated and shall notify by mail all persons, companies or corporations known by it to own or claim the use of the waters of such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources. Provided that in water districts whose area includes land in more than four (4) counties the annual meeting shall commence at ten o'clock A.M. instead of two o'clock P.M. Provided, further, that any water district may, by resolution adopted at an annual meeting, change the date for annual meetings in subsequent years to any weekday except Saturday between the second Monday of January and the third Monday in March in which case the department of water resources shall send its notification at least thirty (30) days prior to said meeting date.

(3) At such meeting there shall be elected a watermaster for such water district, and such other regular assistants as such meeting shall deem necessary, and such meeting shall prior to the election of such watermaster and assistants fix the compensation to be paid them during the time actually engaged in the performance of their duties. At such meeting each person present, owning or having the use for the ensuing irrigation season of any water right in the stream or water supply comprising such water district, which right has been adjudi-

cated or decreed by the court or is represented by valid permit or license issued by the department of water resources, shall be entitled to a number of votes equal to the rate of flow in cubic feet per second including any fractions thereof, of said qualifying water right.

(4) Such meeting shall choose a chairman and secretary and shall determine the manner and method of electing watermasters and assistants. Within five (5) days after such meeting the chairman and secretary shall forward a certified copy of the minutes of such meeting to the department of water resources.

(5) A corporation or a water delivery organization, including, but not limited to corporations, water companies, irrigation districts, irrigation companies and canal companies, shall be considered a person for the purpose of this section and shall cast its vote by someone to be designated by the corporation; provided, that each stockholder in said corporation shall be entitled to as many votes as he shall have units of cubic feet per second or fraction thereof, of water in the stream or water supply comprising such water district.

(6) Should said meeting not be held, or should said watermaster not be chosen or his compensation fixed as above provided, then the department of water resources is authorized to appoint such watermaster and fix his compensation.

(7) The department of water resources may remove any watermaster whenever such watermaster fails to perform his duty as watermaster, upon complaint in that respect being made to the department in writing, by one (1) person owning or having the right to the use of a water right in such district, which right has been adjudicated or decreed by the court or is represented by valid permit or license issued by the department of water resources provided, that upon investigation the department, after a hearing with the other water users of said district, which shall be held in the district, finds such charge to be true, and the department may appoint a successor for the unexpired term.

(8) Before entering upon the duties of his office, said watermaster shall take and subscribe an oath before some officer authorized by the laws of the state to administer oaths, to faithfully perform the duties of his office, as provided in section 42-607, Idaho Code, and shall file that oath with the department of water resources ~~said oath and his official bond in the penal sum of five hundred dollars ($500), unless the amount of said bond be otherwise fixed in a greater amount by such meeting, with not less than two (2) sureties, to be approved by the department of water resources and conditioned for the faithful discharge of the duties of his office.~~ Upon appointment by the director of the department of water resources, the actions taken by a watermaster in fulfillment of the duties of his office are covered by the state group surety bond as provided by sections 59-801 through 59-804, Idaho Code.

Approved March 25, 1987.

CHAPTER 113
(H.B. No. 54, As Amended)

AN ACT

RELATING TO THE MEMBERS OF THE STATE TAX COMMISSION; AMENDING SECTION 63-508, IDAHO CODE, TO PROVIDE FOR THE ANNUAL SALARY OF MEMBERS OF THE STATE TAX COMMISSION.

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

SECTION 1. That Section 63-508, Idaho Code, be, and the same is hereby amended to read as follows:

63-508. COMPENSATION. Each member of the commission shall devote ~~his~~ full time to the performance of ~~his~~ duties and shall receive an annual salary ~~as provided in~~ of thirty-nine thousand seven hundred and fifty dollars ($39,750) notwithstanding the provisions of section 59-510, Idaho Code.

Approved March 26, 1987.

CHAPTER 114
(H.B. No. 6)

AN ACT

RELATING TO DUTIES OF THE IDAHO CODE COMMISSION; AMENDING SECTION 73-205, IDAHO CODE, TO REQUIRE THE IDAHO CODE COMMISSION TO PROVIDE FOR ANNOTATION OF IDAHO COURT OF APPEALS OPINIONS AND FORMAL IDAHO ATTORNEY GENERAL OPINIONS AFTER JANUARY 1, 1983, TO PUBLISHED IDAHO CODE SECTIONS.

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

SECTION 1. That Section 73-205, Idaho Code, be, and the same is hereby amended to read as follows:

73-205. POWERS AND DUTIES OF COMMISSION. The commission is hereby authorized, empowered and directed to enter into and execute contracts it may deem necessary and proper with any publishing company, with respect to general laws, repeals and amendments which may be enacted by each regular session of the legislature hereafter, and beginning with the thirtieth session, and with respect to bringing up to date annotations, notes and indexes of general law continuing in force, for the publication thereof, and publication of any other compilation within the purview of this act. The intent hereof is that as soon as practicable after each session of the legislature the Idaho Code be brought up to date. Similar contracts relating to and after one or more special sessions may be entered into and executed if the commis-

sion deems it necessary and desirable. Whenever one or more volumes of the Idaho Code becomes too bulky, or for other reason it appears to the commission to be necessary or desirable, the commission may contract for republication of such volume or volumes, or additional volumes. When the commission deems it necessary or advisable, it may, in its sole discretion, assist the Supreme Court of the state of Idaho in any preliminary work or studies necessary in the preparation of rules of said court and any proposed legislation which may from time to time be necessary to segregate substantive from procedural law, and may contract for the publication in replacement or additional volumes of such rules as may be made, prescribed and promulgated by said court.

The contracts shall appropriately describe specifications of the editing, content of compilation, printing, binding, size of type to be used in text and notes, grade and weight of paper to be used, style of page, provisions for insertion of new matters, with appropriate section numbers in existing or changed titles and chapters, and shall require in full new and amended laws, repeals of laws, or parts thereof, constitutional changes, new and additional annotations, notes and indexes, references and cross-references relating to the existing laws of this state and to decisions of the Supreme Court of the state of Idaho, Idaho Court of Appeals, Supreme Court of the United States and federal courts citing and construing the same, formal Idaho attorney general opinions since January 1, 1983, citing and construing the same, history of the law or section, and shall contain such other information and ancillaries as the commission may deem necessary and proper, or as the publishers may include with the consent of the commission.

Approved March 27, 1987.

CHAPTER 115
(H.B. No. 27)

AN ACT

RELATING TO UNCLAIMED PROPERTY; AMENDING CHAPTER 5, TITLE 14, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 14-542, IDAHO CODE, TO PROVIDE THAT COUNTIES MAY ADMINISTER THE UNCLAIMED PROPERTY LAW.

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

SECTION 1. That Chapter 5, Title 14, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 14-542, Idaho Code, and to read as follows:

14-542. EXEMPTION. (1) Counties holding a certificate of exemption from the administrator shall not be subject to the provisions of this chapter.

(2) A certificate of exemption shall be provided to a county on the following basis:

(a) The commissioners of such county file an election in writing with the administrator; and

(b) The county assumes the responsibilities of the administrator under this chapter to locate unclaimed property in county hands, and refund the same to its rightful owner, according to the provisions of this chapter; and

(c) The county establishes a revolving fund to pay claimants, and retains in said fund, an amount equal to twenty-five per cent (25%) of the accumulated unclaimed property or twenty thousand dollars ($20,000), whichever is less. Excess money in the revolving fund may be transferred to the county current expense fund; and

(d) The county provides the administrator with the information required in the reports of abandoned property, to enable the administrator to maintain a complete central registry of all unclaimed property in the state.

In the event of revocation of the election or the administrator determines that the county has not complied with the requirements or exemption, the county's exemption shall terminate and the county shall transfer all unclaimed property and unclaimed property records to the administrator.

Approved March 27, 1987.

CHAPTER 116
(H.B. No. 37)

AN ACT

RELATING TO RECREATIONAL TRESPASS; AMENDING SECTION 36-1602, IDAHO CODE, TO PROVIDE THAT HUNTING ON CULTIVATED, ENCLOSED, OR POSTED LANDS WITHOUT PERMISSION IS A MISDEMEANOR; AND AMENDING SECTION 36-1603, IDAHO CODE, TO PROHIBIT CERTAIN TRESPASS UPON REAL PROPERTY OF ANOTHER WHICH IS CULTIVATED OR POSTED, AND TO PROHIBIT THE POSTING OF CERTAIN PUBLIC LANDS.

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

SECTION 1. That Section 36-1602, Idaho Code, be, and the same is hereby amended to read as follows:

36-1602. HUNTING ON CULTIVATED, POSTED, OR ~~E~~ENCLOSED LANDS WITHOUT PERMISSION. ~~Any~~No person ~~who~~ shall hunt with a dog or ~~gun~~ weapon upon ~~the~~ lands of another that are cultivated, posted, or ~~inclosed lands--of another,~~ enclosed by fences of any description sufficient to show the boundaries of the land enclosed without first obtaining permission from the owner or occupant thereof or his agent~~,~~. Any person so hunting shall be responsible to the owner of ~~such cultivated~~

~~or-inclosed~~ said lands for all damages~~,-and-any~~. Any person or persons violating the provisions of this section resulting in injuring or killing any livestock on said ~~cultivated-or-inclosed~~ lands~~,-shall-be~~ deemed is guilty of a misdemeanor.

SECTION 2. That Section 36-1603, Idaho Code, be, and the same is hereby amended to read as follows:

36-1603. TRESPASSING ON CULTIVATED LANDS OR IN VIOLATION OF WARNING SIGNS -- ~~PERMISSION--FROM-OWNER,-EMPLOYEE-OR-TENANT-RESIDING-ON LAND----PENALTY~~ POSTING OF PUBLIC LANDS. ~~Whenever--a--tract--of--land shall--have--been-inclosed-by-the-owner-with-a-fence-and-signs-legibly printed-or-painted-in-the-English-language,--warning--persons--not--to trespass--thereon,--shall--have-been-posted-in-a-conspicuous-manner-on each-side-thereof,-upon-or-near-the-boundaries--at--intervals--of--not more--than--eighty-(80)-rods,-it-shall-be-a-misdemeanor-for-any-person to-enter-upon-said-inclosed-land-and-discharge-any--firearm--thereupon or--to--enter-said-land-for-the-purpose-of-hunting-or-trapping-thereon without-the-consent-of-the-owner-or-person-in--charge--of--said--land. All-fences-of-any-description-sufficient-to-show-the-boundaries-of-the land--inclosed-that-present-an-effective-obstruction-to-stock-shall-be deemed-a-sufficient-fence-under-the-terms-of-this-section.-An-entryman upon-land-under-the--laws--of--the--United--States,--or--a--lessee--or contract-purchaser-of-state-lands,-shall-be-deemed-an-owner-within-the meaning--of--this-section.-Provided,-however,-that-if-the-owner-or-his salaried-employee-or-tenant--is--residing--upon--cultivated--lands--so inclosed,--he--shall--not--be--required--under--the-provisions-of-this section-to-post-warning-signs-on-such-premises-and-any-person-desiring to-enter-thereon-for-the-purposes-stated-in-this--section--must--first secure--from--such-owner-or-his-salaried-employee-or-tenant-consent-to enter-thereon.--Cultivated-lands-within-the-meaning--of--this--section shall--be--lands--of--which--at--least-fifty-percent-(50%)-of-the-area within-the-inclosure-is-used-for--cultivated--crop--purposes--and--for artificially--irrigated-pasturage.~~ (a) No person shall enter the real property of another and shoot any weapon or enter such property for the purposes of hunting, fishing or trapping, without the permission of the owner or person in charge of the property, which property is either cultivated or posted with legible "No Trespassing" signs, or other notices of like meaning, placed in a conspicuous manner on or near all boundaries at intervals of not less than one (1) sign or notice per six hundred sixty (660) feet. For the purposes of this section, "cultivated" shall mean soil that is being or has been prepared by loosening or breaking up for the raising of crops, or used for the raising of crops, or artificially irrigated pasturage.

(b) No person shall post, sign, or indicate that any public lands within this state, not held under an exclusive control lease, are privately owned lands.

Approved March 27, 1987.

CHAPTER 117
(H.B. No. 59)

AN ACT

RELATING TO WHAT FORCE MAY BE USED DURING AN ARREST; AMENDING SECTION 19-610, IDAHO CODE, TO PROVIDE WHEN AN OFFICER MAY USE ALL REASONABLE AND NECESSARY MEANS TO EFFECT AN ARREST.

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 reasonable and necessary means to effect the arrest and will be justified in using deadly force under conditions set out in section 18-4011, Idaho Code.

Approved March 27, 1987.

CHAPTER 118
(H.B. No. 86)

AN ACT

RELATING TO MOTOR VEHICLE LICENSE PLATES; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-219, IDAHO CODE, TO PROVIDE FOR USE OF CERTAIN PLATES ON VEHICLES THIRTY YEARS OR OLDER.

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 49-219, Idaho Code, and to read as follows:

49-219. VEHICLES THIRTY YEARS OR OLDER -- PLATES. Pursuant to rules and regulations of the department, any person who is the owner of a motor vehicle thirty (30) years or older which is registered under section 49-126(1), Idaho Code, may apply to display as the correct plates for that vehicle a pair of Idaho plates designated for use in the year of the manufacturing of the vehicle and bearing the date thereon.

Upon approval of the plates to be used and upon surrender of the

current issue of plates, the owner shall pay a one-time fee of ten dollars ($10.00) in addition to the annual registration and other fees.

Approved March 27, 1987.

CHAPTER 119
(H.B. No. 94)

AN ACT

RELATING TO THE PRACTICE OF PODIATRY; AMENDING SECTION 54-605, IDAHO CODE, TO CORRECT TERMINOLOGY; AMENDING SECTION 54-606, IDAHO CODE, TO REQUIRE ONE YEAR PODIATRIC RESIDENCY FOR LICENSURE; AND AMENDING SECTION 54-607, IDAHO CODE, TO PROVIDE RENEWAL FEES BE SET BY BOARD RULE NOT TO EXCEED A MAXIMUM OF ONE HUNDRED FIFTY DOLLARS AND TO CORRECT TERMINOLOGY.

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

SECTION 1. That Section 54-605, Idaho Code, be, and the same is hereby amended to read as follows:

54-605. POWERS AND DUTIES OF STATE BOARD OF PODIATRY. The state board of podiatry, herein referred to as the board, shall have the following powers:

1. To conduct examinations to ascertain the qualifications and fitness of applicants to practice podiatry; to pass upon the qualifications of applicants for ~~reciprocal~~ licenses by endorsement.

2. To prescribe rules and regulations defining for the podiatrists what shall constitute a reputable school, college or university, or department of a university or other institution in good standing, and to determine the reputability of good standing of a school, college or university, or department of a university or other institution, by reference to compliance with such rules and regulations.

3. To establish a standard of preliminary education deemed requisite for admission to a school, college or university teaching podiatry, and to require satisfactory proof of the enforcement of such standards by schools, colleges and universities.

4. To prescribe rules and regulations for a fair and wholly impartial method of examination of candidates to practice podiatry.

5. To conduct hearings and proceedings to suspend or revoke licenses of persons practicing podiatry, and to suspend or revoke such licenses for due cause.

6. To make and promulgate rules and regulations when required in this act to be administered.

7. To make and promulgate rules and regulations prescribing the standards for the ethical practice of podiatry in the state.

8. To authorize, by written agreement, the bureau of occupational

licenses as agent to act in its interest.

SECTION 2. That Section 54-606, Idaho Code, be, and the same is hereby amended to read as follows:

54-606. STATE BOARD OF PODIATRY -- EXAMINATION FOR LICENSES. Every person, except as hereinafter provided, desiring to commence the practice of podiatry within this state, shall make written application to the state board of podiatry, upon forms to be prescribed and furnished by the board, for a license so to do. Such applications shall be accompanied by a fee as established by board regulation not to exceed two hundred dollars ($200). Each applicant shall be at least twenty-one (21) years of age, of good moral character, have completed one (1) year of podiatric residency, and a graduate of some reputable school of podiatry accredited by the board. A reputable school of podiatry for the purposes herein shall mean a school of podiatry requiring for graduation the graduation from an accredited high school, credits granted for at least two (2) full years of general college study in a college or university of recognized standing, and four (4) full years of study in such school of podiatry or its equivalent.

Except as herein otherwise provided, each applicant shall be examined by the board to determine his knowledge of the subjects taught in reputable schools of podiatry, and which examinations shall include the following subjects: Anatomy, histology, pathology, bacteriology, physiology, surgery, roentgenology, podiatric medicine, chemistry, dermatology, materia medica, diagnosis, therapeutics, clinical and orthopedic podiatry, limited in scope to podiatry. Additional subjects may be prescribed from time to time by the board. Examinations may be written, oral and practical in nature. No applicant shall be granted a license who shall fail to obtain a general average of seventy-five percent (75%) on all the subjects examined upon. Should any applicant fail on such examination to make the required grade, as herein provided, and by reason thereof be refused a license, he shall be entitled within six (6) months of such refusal to a re-examination upon payment of an additional fee as established by board regulation not to exceed two hundred dollars ($200) to the board; provided, however, that two (2) such re-examinations shall exhaust his privilege under his original application.

SECTION 3. That Section 54-607, Idaho Code, be, and the same is hereby amended to read as follows:

54-607. LICENSES -- ISSUANCE -- RENEWALS -- DISPLAY. If the applicant shall pass a satisfactory examination, and shall show that he is a person of good moral character and he possesses the qualifications required by this chapter to entitle him to a license as a podiatrist, he shall be entitled to a license authorizing him to practice podiatry within the state of Idaho. Said successful applicant shall be issued his license by the board upon payment of the original license fee which shall be the same fee as required for renewal.

All licenses to practice podiatry shall expire on the 30th day of

June of each year; all licensed podiatrists and podiatrists' assistants, within the meaning of this chapter, are entitled to and shall renew their licenses on or before the 1st day of July of each year; and shall make application to the bureau of occupational licenses therefor, accompanied by an annual renewal license fee ~~of--eighty~~ established by board rule not to exceed one hundred fifty dollars (~~$80.00~~ $150.00) for podiatrists. Payment of fees herein provided, and satisfactory evidence of having complied with continued education requirements as established by board ~~regulations~~ rules are a condition precedent to the performance of any acts by the bureau.

Every person to whom a license is granted shall have such license displayed continuously in a conspicuous part of his office wherein his practice of podiatry is conducted.

The board shall keep on file a register of all applicants for license, rejected applicants, and licensees.

The fee for reinstatement of a license shall be as provided in section 67-2614, Idaho Code. All fees shall be paid to the bureau of occupational licenses.

Approved March 27, 1987.

CHAPTER 120
(H.B. No. 99)

AN ACT

RELATING TO REGULATING SECURITIES; AMENDING SECTION 30-1403A, IDAHO CODE, TO DELETE AN OBSOLETE REFERENCE; AMENDING SECTION 30-1413, IDAHO CODE, TO PROVIDE FOR AN ADMINISTRATIVE PENALTY; AMENDING SECTION 30-1416, IDAHO CODE, TO DELETE AN OBSOLETE REFERENCE; AMENDING SECTION 30-1431, IDAHO CODE, TO PROVIDE A CORRECT DESCRIPTION; AMENDING SECTION 30-1434, IDAHO CODE, TO PROVIDE A PROPER REFERENCE; REPEALING SECTION 30-1434A, IDAHO CODE; AMENDING SECTION 30-1437, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN FEES TO BE PAID IN CONNECTION WITH CERTAIN EXEMPT OFFERINGS REVIEWED BY THE DEPARTMENT; AMENDING SECTION 30-1441, IDAHO CODE, TO NOT EXCUSE PERSONS FROM PROVIDING DOCUMENTS IN AN INVESTIGATION; AMENDING SECTION 30-1442, IDAHO CODE, TO PROVIDE ADDITIONAL ENFORCEMENT REMEDIES; AMENDING SECTION 30-1446, IDAHO CODE, TO PROVIDE THAT SALESMEN AND INVESTMENT ADVISORS MAY BE CIVILLY LIABLE FOR VIOLATIONS; AMENDING SECTION 30-1451, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AND REPEALING SECTIONS 30-1459 THROUGH 30-1462, IDAHO CODE.

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

SECTION 1. That Section 30-1403A, Idaho Code, be, and the same is hereby amended to read as follows:

30-1403A. PROSPECTUS OR OFFERING CIRCULAR REQUIRED BEFORE SALE OF

SECURITIES. It is unlawful for any broker-dealer or salesman-agent registered under this act to fail to deliver a prospectus or offering circular to any offeree in connection with the offer or sale of any security registered under this act or required to be registered under this act before or concurrently with the first written or oral offer made to him, other than by means of a public advertisement approved by the director. ~~This--section--does-not-apply-to-securities-registered under-section-30-1424,-Idaho-Code.~~

SECTION 2. That Section 30-1413, Idaho Code, be, and the same is hereby amended to read as follows:

30-1413. DENIAL, SUSPENSION, REVOCATION OF REGISTRATION -- GROUNDS. The director may by order deny, suspend or revoke registration of any broker-dealer, salesman or investment adviser or may impose an administrative penalty in an amount not to exceed five thousand dollars ($5,000) for each violation if he finds that the order is in the public interest and that the applicant or registrant or, in the case of a broker-dealer or investment adviser, any partner, officer or director:

(1) has filed an application for registration under this section which, as of its effective date or as of any date after filing in the case of an order denying effectiveness, was incomplete in any material respect or contained any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact,

(2) has wilfully violated or wilfully failed to comply with any provision of this act or a predecessor act or any rule or order under this act or a predecessor act,

(3) has been convicted of any misdemeanor involving a security or any aspect of the securities business or of any felony,

(4) is permanently or temporarily enjoined by any court of competent jurisdiction from engaging in or continuing any conduct or practice involving any aspect of the securities business,

(5) is the subject of an order of the director denying, suspending or revoking registration as a broker-dealer, salesman or investment adviser,

(6) is the subject of an order entered within the past five (5) years by the securities administrator of any other state or by the United States securities and exchange commission, denying or revoking registration as a broker-dealer or salesman, or the substantial equivalent of those terms as defined in this act, or is the subject of an order of the United States securities and exchange commission suspending or expelling him from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934, or is the subject of a United States post-office fraud order, but

(a) The director may not institute a revocation or suspension proceeding under this subsection more than one (1) year from the date of the order relied on, and

(b) He may not enter any order under this subsection on the basis of any order unless that order was based on facts which would cur-

rently constitute a ground for an order under this section,

(7) has engaged in dishonest or unethical practices in the securities business,

(8) is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature, but the director may not enter an order against a broker--dealer or investment adviser under this subsection without a finding of insolvency as to the broker-dealer or investment adviser,

(9) has not complied with a condition imposed by the director under section 30-1412, Idaho Code, or is not qualified on the basis of such factors as training, experience or knowledge of the securities business, or

(10) has failed to pay the proper filing fee, but the director may enter only a denial order under this subsection and he shall vacate any such order when the deficiency has been corrected.

The director may by order summarily postpone or suspend registration pending final determination of any proceeding under this section.

SECTION 3. That Section 30-1416, Idaho Code, be, and the same is hereby amended to read as follows:

30-1416. SECURITIES REQUIRED TO BE REGISTERED -- EXCEPTIONS. It is unlawful for any person to sell or to offer to sell any security in this state, except securities exempt under section 30-1434, Idaho Code, or except securities sold in transactions exempt under section 30-1435, Idaho Code, unless such security is registered by notification, coordination or qualification under this act. ~~Provided that an existing issuer who is engaged in a public offering shall have sixty (60) days to notify the director of his intention to register by either notification, coordination or qualification within six (6) months after the passage of this act.~~

SECTION 4. That Section 30-1431, Idaho Code, be, and the same is hereby amended to read as follows:

30-1431. STOP ORDERS -- GROUNDS. The director may issue an order denying effectiveness to, or suspending or revoking the effectiveness of, any registration statement if he finds that the order is in the public interest and that;

(1) the registration statement as of its effective date or as of any earlier date in the case of an order denying effectiveness, is incomplete in any material respect or contains any statement which was, in the light of the circumstances under which it was made, false or misleading with respect to any material fact,

(2) any provision of this act or any rule, order or condition lawfully imposed under this act has been wilfully violated in connection with the offering by;

(a) The person filing the registration statement,

(b) The issuer, any partner, officer or director of the issuer, any person occupying a similar status or performing similar functions or any person directly or indirectly controlling or controlled by the issuer but only if the person filing the registration

statement is directly or indirectly controlled by or acting for the issuer, or

(c) Any underwriter,

(3) the issuer whose security is registered or sought to be registered is the subject of a temporary restraining order or temporary or permanent injunction of any court of competent jurisdiction entered under any other federal or state act ~~applicable--to--the offering~~; but

(a) the director may not institute a proceeding against an effective registration statement under this subsection more than one (1) year from the date of the injunction relied on and,

(b) he may not enter an order under this clause on the basis of an injunction entered under any other state act unless that order or injunction was based on facts which would currently constitute a ground for an order under this section,

(4) the issuer's enterprise or method of business includes or would include activities which are illegal where performed,

(5) the offering has worked or tended to work a fraud upon purchasers or would so operate,

(6) W when a security is sought to be registered by notification, it is not eligible for such registration,

(7) when a security is sought to be registered by coordination, there has been a failure to comply with the undertaking required by section 30-1420(7),

(8) the applicant or registrant has failed to pay the proper registration fee; but the director may enter only a denial order under this subsection and he shall vacate any such order when the deficiency has been corrected, or

(9) the offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions or other compensation or promoters' profits or participation or unreasonable amounts or kinds of options.

SECTION 5. That Section 30-1434, Idaho Code, be, and the same is hereby amended to read as follows:

30-1434. EXEMPT SECURITIES. Sections 30-1416 through 30-1433 inclusive, Idaho Code, shall not apply to:

(1) any security including a revenue obligation issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing, or any certificate of deposit for any of the foregoing.

(2) any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations if the security is recognized as a valid obligation by the issuer or guarantor,

(3) any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States or any bank, savings institution or trust company organ-

ized or chartered as such and under the jurisdiction and supervision of the superintendent of banks of any state,

(4) any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or any building and loan or similar association organized under the laws of any state and authorized to do business in this state,

(5) any insurance or endowment policy or annuity contract or optional annuity contract, issued by a corporation subject to the supervision of the director of the department~~.~~ of insurance,

(6) any security issued or guaranteed by any federal credit union or any credit union, industrial loan association or similar association organized and supervised under the laws of this state,

(7) any security issued or guaranteed by any railroad, other common carrier, public utility or holding company which is:

(a) Subject to the jurisdiction of the interstate commerce commission,

(b) A registered holding company under the Public Utility Holding Company Act of 1935 or a subsidiary of such a company within the meaning of that act,

(c) Regulated with respect to its rates and charges by a governmental authority of the United States or any state or municipality, or

(d) Regulated with respect to the issuance or guarantee of the security by a governmental authority of the United States, any state, Canada or any Canadian province; also equipment trust certificates in respect to equipment conditionally sold or leased to a railroad or public utility, if other securities issued by such railroad or public utility would be exempt under this subsection,

(8) any security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Midwest Stock Exchange or any other stock exchange registered with the United States securities and exchange commission and approved by the director, any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved or any warrant or right to purchase or subscribe of the foregoing,

(9) any security issued by any person organized and operated not for private profit but exclusively for religious, educational, benevolent, charitable, fraternal, social, athletic or reformatory purposes, also any securities issued by a community-sponsored or owned industrial corporation or foundation organized for the purpose of promoting growth and/or economic development of the community,

(10) any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transaction and which evidences an obligation to pay cash within nine (9) months of the date of issuance, exclusive of days of grace, or any renewal of such paper which is likewise limited or any guarantee of such paper or of any such renewal when such commercial paper is sold to the banks or insurance companies,

(11) any investment contract issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar

benefit plan,

(12) any security issued by a nonprofit cooperative corporation organized pursuant to section 30-117A or chapter 10, title 30, Idaho Code, if no expenditure is made by or on its behalf in connection with the issuance or sale of its securities other than the actual expenses of organization, calling or holding meetings of incorporators or shareholders, printing, mailing, and taxes,

(13) any security issued by a domestic or foreign corporation, partnership, trust or association engaged in actual mining operations or the exploration and development of mining properties in this state, whether or not sold through a broker-dealer, provided the following conditions are met:

(a) The term "actual mining operations" within the meaning of this subsection does not include the development or production of gas or oil;

(b) The total amount of the securities to be offered and sold does not exceed one hundred thousand dollars ($100,000) in any twelve (12) month period;

(c) All sales brochures, pamphlets, advertisements and literatures are filed with the director prior to being used;

(d) At least eighty per cent (80%) of the gross amount paid by the purchasers of the securities is used in actual mining operations or for actual exploration and development expenses, including legal, accounting, engineering and geological expenses; and

(e) The issuer shall file a report in a form prescribed by the director and at such times that the director by rule may provide, not to exceed once every three (3) months, stating the number of shares or amount of other securities sold, the number of purchasers, the amount of money obtained by the issuer from the sales, and the manner in which the moneys have been expended.

Provided, that any person shall give notice in the form prescribed by the director of his intention to avail himself of the exemption afforded by subsections (4), (5), (6), (9), (11), (12) or (13) of this section thirty (30) days after the effective date of this act prior to the first offer or sale to be made thereunder. The director may by order deny or revoke the exemption specified in such subsections with respect to a specific security. Upon the entry of such an order the director shall promptly notify all registered broker-dealers that it has been entered and of the reasons therefor and that within twenty (20) days of the receipt of a written request the matter will be set for hearing. If no hearing is requested and none is ordered by the director the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered the director, after notice of an opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under said subsections may operate retroactively. No person may be considered to have violated this act by reason of any offer or sale effected after the entry of an order under said subsections if he sustains the burden of proof that he did not know, and in the exercise of reasonable care, could not have known of the order.

SECTION 6. That Section 30-1434A, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Section 30-1437, Idaho Code, be, and the same is hereby amended to read as follows:

30-1437. FEES. Fees shall be fixed by the director and shall be paid in advance under the provisions of this act, but shall not exceed the following:

(1) For the registration of securities by notification or coordination or qualification, there shall be paid to the director for the first year of registration a registration fee of one hundred dollars ($100) for the first one hundred thousand dollars ($100,000) of initial issue, or portion thereof in this state, based on offering price, plus one twentieth (1/20th) of one per cent (1%) for any excess over one hundred thousand dollars ($100,000), with a maximum of one thousand dollars ($1,000).

Each year thereafter that a registration remains in effect for securities with respect to which reports are required to be filed under subsections (1) or (2) of section 30-1430, Idaho Code, an additional registration fee shall be paid to the director to be computed at one twentieth (1/20th) of one per cent (1%) of the aggregate offering price of such securities which are to be offered in this state during that year, even though the maximum fee was paid the preceding year. In no event shall such additional registration fee be less than one hundred dollars ($100) nor more than one thousand dollars ($1,000). The registration statement for such securities may be amended to increase the amount of securities to be offered. When an application for registration of securities is denied or withdrawn the director shall retain the fee.

(2) For filing an annual statement the fee shall not exceed ten dollars ($10).

(3) For registration of a broker-dealer or investment adviser the fee shall not exceed one hundred dollars ($100) for original registration and one hundred dollars ($100) for each annual renewal thereof. When an application is denied or withdrawn the director shall retain the fee.

(4) For registration of a salesman the fee shall not exceed twenty dollars ($20) for the original registration with each employer and twenty dollars ($20) for each annual renewal. When an application is denied or withdrawn the director shall retain the fee.

(5) For certified copies of any documents filed with the director the fee shall be the cost to the department as determined by the director.

(6) For each examination ~~covered by the director~~, exemption or opinion letter, the fee shall not exceed ~~ten~~ fifty dollars ($~~10~~50.00), which fee shall not be refundable.

All fees, fines, examination and miscellaneous charges collected by the director pursuant to the Idaho securities act shall be deposited into the finance administrative account pursuant to section 67-2702, Idaho Code.

SECTION 8. That Section 30-1441, Idaho Code, be, and the same is hereby amended to read as follows:

30-1441. OATHS -- SUBPOENAS -- PUNISHMENT -- EXEMPTION FROM CRIMINAL PROSECUTION FOR TESTIMONY. For the purpose of any investigation or proceeding under this act the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memoranda, agreements or other documents or records which the director deems relevant or material to the inquiry.

(1) In case of contumacy by or refusal to obey a subpoena issued to any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence relating to the matter under investigation or in question and any failure to obey such order of the court may be punished by the court as a contempt of court.

(2) No person is excused from attending and testifying, from producing any document or record before the director or from obeying the subpoena of the director or any officer designated by him or in any proceeding instituted by the director on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual may be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he is compelled, after claiming his privilege against self-incrimination, to testify ~~or--produce--evidence,--documentary--or otherwise~~, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

SECTION 9. That Section 30-1442, Idaho Code, be, and the same is hereby amended to read as follows:

30-1442. INJUNCTIONS -- REMEDIES. (1) Whenever it appears to the director that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this act or any rule or order hereunder, he may in his discretion bring an action in any court of competent jurisdiction to enjoin any such acts or practices and to enforce compliance with this act or any rule or order hereunder. Upon a showing that a person has engaged or is about to engage in an act or practice constituting a violation of this act or any rule hereunder, a permanent or temporary injunction, restraining order or writ of mandamus shall be granted and a receiver or conservator may be appointed for the defendant or the defendant's assets. The director shall not be required to furnish a bond.

(2) In addition to the foregoing, the director, in his discretion and upon a showing that a person has violated the provisions of this act or any rule or order thereunder, may be granted the following additional remedies:

(a) An order restoring to any person in interest any consideration which may have been acquired or transferred in violation of this act,

(b) An order that the person violating the act, rules or an order thereunder pay a civil penalty to the department in an amount of not to exceed five thousand dollars ($5,000) for each violation,

(c) An order allowing the director to recover costs, which in the discretion of the court may include an amount representing reasonable attorney fees and reimbursements for investigative efforts,

(d) An order that the person violating the provisions of this act, rules or order not claim the availability of, use, or offer or sell securities under any exemptions under the act without receiving prior written permission or confirmation from the director,

(e) An order granting other appropriate remedies upon a proper showing.

(3) Liability for sanctions, both civil and criminal, and personal jurisdiction shall extend to all persons who engaged in violations or who aided and abetted others in violations of this act and rules and orders thereunder. Officers and directors of corporations shall not be exempt from actions brought for violations, merely because of their capacity as officers or directors, if they have participated in acts making the violations possible or if they have actual or constructive knowledge of violations by the corporation while acting as an officer or director.

SECTION 10. That Section 30-1446, Idaho Code, be, and the same is hereby amended to read as follows:

30-1446. CIVIL LIABILITIES -- SURVIVAL AND LIMITATION OF ACTIONS -- WAIVER OF ACT VOID. (1) Any person who offers or sells a security in violation of any provisions of sections 30-1416 through 30-1431, Idaho Code, transacts business in violation of the provisions of section 30-1406, Idaho Code, or offers to sell or sells a security by means of any untrue statement of a material fact or any omission to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading (the buyer not knowing of the untruth or omission) and who does not sustain the burden of proof that he did not know, and in the exercise of reasonable care could not have known, the untruth or omission is liable to the person buying the security from him, who shall be entitled to sue either at law or in equity to recover the consideration paid for the security, together with interest at six per cent (6%) per annum from the date of payment, costs, and reasonable attorneys' fees, less the amount of any income received on the security, upon the tender of the security, or for damages if he no longer owns the security. Damages shall be the amount that would be recoverable upon a tender less;

(a) the value of the security when the buyer disposed of it, and

(b) interest at six per cent (6%) per annum from the date of disposition.

(2) Every person who directly or indirectly controls a seller

liable under subsection (1) of this section, every partner, officer or director or person occupying a similar status or performing similar functions or employee of such a seller and every broker-dealer or salesman who participates or materially aids in the sale is liable jointly and severally with and to the same extent as the seller if such person knew, or in the exercise of reasonable care could have known, of the existence of the facts by reason of which the liability is alleged to exist. There shall be contribution among the several persons so liable.

(3) Any tender specified in this section may be made at any time before entry of judgment. A cause of action under this statute survives the death of any person who might have been a plaintiff or a defendant. No person may sue under this section more than three (3) years after the contract of sale. No person may sue under this section;

(a) if the buyer has received a bona fide offer in writing at a time when he owned the security, to refund the consideration paid together with interest at six per cent (6%) per annum from the date of payment, less the amount of any income received on the security, and failed to accept such offer within thirty (30) days of its receipt, or

(b) if the buyer has received a bona fide offer in writing at a time when he did not own the security in the amount that would be recoverable under this section upon a tender less;

(~~1~~i) the value of the security when the buyer disposed of it and,

(~~2~~ii) interest at six per cent (6%) per annum from the date of disposition, and failed to accept such offer within thirty (30) days of its receipt.

(4) No person who has made or engaged in the performance of any contract in violation of any provision of this act or any rule or order hereunder or who has acquired any purported right under any such contract with knowledge of the facts by reason of which its making or performance was in violation, may base any suit on such contract. Any condition, stipulation or provision binding any person acquiring any security to waive compliance with any provision of this act or any rule or order hereunder is void as against public policy and in the public interest.

SECTION 11. That Section 30-1451, Idaho Code, be, and the same is hereby amended to read as follows:

30-1451. NO LIABILITY FOR ACT OR OMISSION IN GOOD FAITH. No provision of this act imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, form or order of the ~~commissioner~~ director, notwithstanding that the rule or form may later be amended or rescinded or be determined by judicial or other authority to be invalid for any reason.

SECTION 12. That Sections 30-1459 through 30-1462, Idaho Code, be, and the same are hereby repealed.

Approved March 27, 1987.

CHAPTER 121
(H.B. No. 115, As Amended)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-1046, IDAHO CODE, TO REQUIRE CONTINUING EDUCATION FOR ALL LICENSED INSURANCE PROFESSIONALS, TO REQUIRE THE DIRECTOR TO SET UP A CONTINUING EDUCATION PROGRAM BY RULE AND REGULATION, TO PROVIDE AN ADVISORY COMMITTEE, TO NOT PERMIT THE CONTINUANCE OF THE LICENSE OF ANY INSURANCE PROFESSIONAL WHO IS NOT IN COMPLIANCE WITH THE CONTINUING EDUCATIONAL REQUIREMENTS, AND TO PROVIDE EXCEPTIONS; AND AMENDING SECTION 41-1077, IDAHO CODE, TO PROVIDE THAT FAILURE TO COMPLY WITH RULES AND REGULATIONS FOR CONTINUING EDUCATION IS GROUNDS FOR THE DIRECTOR TO REFUSE TO CONTINUE A LICENSE UNTIL CERTAIN REQUIREMENTS ARE MET.

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

SECTION 1. That Section 41-1046, Idaho Code, be, and the same is hereby amended to read as follows:

41-1046. CONTINUATION, EXPIRATION OF LICENSE. (1) All agent, broker, solicitor, consultant, limited, adjuster, and surplus line broker licenses issued under this code shall continue in force until expired, suspended, revoked or otherwise terminated, but subject to payment of the applicable continuation fee to the director at his office in Boise no less often than biennially on or before the expiration date referred to in subsection (2) below, accompanied by written request for such continuation. The continuation fees as stated in section 41-401, Idaho Code (fee schedule), are for a one (1) year continuation; and licenses continued for two (2) years shall be subject to payment of a two (2) year continuation fee. Request for continuation shall be made as follows:

(a) As to broker, consultant, adjuster, and surplus line broker licenses, request for continuation shall be made and signed by the licensee.

(b) As to solicitor licenses, request for continuation shall be made and signed by the appointing general lines agent or broker.

(c) As to agent licenses, request for continuation shall be made and signed by the licensee.

(2) The director may, in his discretion, fix the dates of expiration of respective licenses and appointments in such manner as is deemed by him to be advisable for an efficient distribution of the work load of his office. If as to a particular license or appointment the expiration date so fixed would upon first occurrence shorten the period for which license or appointment continuation fee has theretofore been paid, no refund of unearned fee shall be made; and if the expiration date so fixed as to a particular license or appointment would upon first occurrence lengthen the period for which license or

appointment continuation fee had theretofore been paid, the director shall charge no additional fee for such lengthened period. If another date is not so fixed by the director, each such license shall, unless continued as hereinabove provided, expire at midnight on March 31.

(3) Any license referred to in subsection (1) above as to which request for continuation and fee is not so received by the director shall be deemed to have expired at midnight on the applicable expiration date. Request for continuation of any such license or payment of the continuation fee therefor which is received by the director within thirty (30) days after such expiration date may be accepted and effectuated by the director, in his discretion, if accompanied by a continuation fee of two (2) times the amount otherwise required.

(4) Subject to continuation as above provided, the license of an agent shall continue in force as long as there is in effect as to such agent, as shown by the director's records, an appointment or appointments as agent of authorized insurers covering collectively all of the kinds of insurance or classifications thereof included in the agent's license. Upon termination of all of such licensee's agency appointments as to a particular kind of insurance or classification thereof and failure to replace such appointment within sixty (60) days thereafter, the licensee's license as agent shall automatically thereupon expire and terminate as to such kind of insurance or classification and the licensee shall promptly deliver his license to the director for reissuance, without fee or charge, as to the kinds of insurance or classifications thereof, if any, covered by the licensee's remaining agency appointments. Upon termination of all of the licensee's agency appointments the license shall forthwith terminate.

(5) As a condition to or in connection with the continuation of any agent, broker or solicitor license the director may require the licensee to file with him information relative to use made of the license during the next preceding two (2) calendar years, and especially showing whether the license has been used principally for the writing of controlled business, as defined in section 41-1033, Idaho Code.

(6) All sums tendered as fee for continuation of license as agent, broker, solicitor, consultant, limited agent, adjuster and surplus line broker shall be deemed earned when paid and shall not be subject to refund; except that the director shall refund any duplicate payment of any such fee.

(7)(a) For the protection of the people of this state the director shall, by rule and regulation, establish additional educational requirements designed to maintain and improve the insurance skills and knowledge of agents, brokers, solicitors, and consultants after being duly licensed by the department of insurance. The director shall also, by rule and regulation, establish an advisory committee, comprised of representatives from each segment of the insurance industry, to assist the director in prescribing additional educational requirements and fulfilling the purposes of this legislation.

(b) The director shall not permit to be continued the license of any agent, broker, solicitor, or consultant who is licensed pursuant to section 41-1030, Idaho Code, and who is a resident of this state, unless such person has demonstrated to the satisfac-

tion of the director that in addition to meeting the standards contained in section 41-1034, Idaho Code (qualifications for agents, brokers, and solicitors), or section 41-1035, Idaho Code (qualifications for consultants), as may be applicable, all the additional educational requirements as the director may prescribe by regulation adopted pursuant to this subsection have been met. The provisions of this paragraph shall not apply to persons regulated or licensed by the department of finance pursuant to chapter 46, title 28, Idaho Code, national or state chartered banks, federal or state chartered savings and loan associations, or federal or state chartered credit unions dealing with insurance licensed pursuant to section 41-1045(1)(b), (c) and (d), Idaho Code (limited agent's license).

SECTION 2. 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.

(h) Failure to comply with any applicable additional educational requirements prescribed by the director by rule or regulation pursuant to section 41-1046(7)(a), Idaho Code, by the expiration date of any license held by the licensee shall be grounds for the director to refuse to continue any such license until such time as the licensee takes and passes the applicable insurance examination and has otherwise complied with all of the requirements of this chapter.

(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 27, 1987.

CHAPTER 122
(H.B. No. 119)

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR OTHER INTOXICATING SUBSTANCES; AMENDING SECTION 18-8002, IDAHO CODE, TO INCREASE THE AMOUNT OF TIME A DRIVER'S LICENSE MAY BE SUSPENDED WHEN A PERSON REFUSES TO CONSENT TO SUBMIT TO AN EVIDENTIARY TEST, AND TO PROVIDE THAT A COURT MAY, FOR GOOD CAUSE SHOWN, TAKE AN ADDITIONAL THIRTY DAYS BEFORE HOLDING A HEARING FOR REINSTATEMENT OF A DEFENDANT'S LICENSE, AND THAT IF THE COURT GRANTS AN EXTENSION ON THIS HEARING, IT MAY EXTEND A DEFENDANT'S TEMPORARY DRIVING PRIVILEGES, UPON GOOD CAUSE SHOWN, FOR AN ADDITIONAL THIRTY DAY PERIOD; AND AMENDING SECTION 18-8004, IDAHO CODE, TO STRIKE LANGUAGE STATING THAT ALCOHOL MEASUREMENT SHALL BE BY PERCENT BY WEIGHT OF ALCOHOL IN A PERSON'S BLOOD, AND TO PROVIDE THAT THE RESULTS OF ANY TEST FOR ALCOHOL CONCENTRATION AND RECORDS RELATING TO CALIBRATION, APPROVAL, CERTIFICATION OR QUALITY CONTROL PERFORMED BY A LABORATORY OPERATED OR APPROVED BY THE IDAHO DEPARTMENT OF HEALTH AND WELFARE SHALL BE ADMISSIBLE IN ANY PROCEEDING IN THIS STATE WITHOUT THE NECESSITY OF PRODUCING A WITNESS TO ESTABLISH THE RELIABILITY OF THE TESTING PROCEDURE FOR EXAMINATION.

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

SECTION 1. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TEST ~~FOR~~ OF DRIVER FOR ~~BLOOD~~ ALCOHOL CONCENTRATION. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to an evidentiary test for concentration of alcohol, drugs or other intoxicating substances as defined in section 18-8004, Idaho Code, provided that such test is administered at the request of a police officer having reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle while under the influence of alcohol, drugs or of any other intoxicating substances.

(2) Such person shall not have the right to consult with an attorney before submitting to an evidentiary test for concentration of alcohol, drugs or other intoxicating substances.

(3) At the time an evidentiary test for concentration of alcohol, drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to take the test:

(a) His license will be seized by the police officer and a temporary permit will be issued;

(b) He has the right to request a hearing within seven (7) days to show cause why he refused to take the test;

(c) If he does not request a hearing or does not prevail at the hearing, his license will be suspended absolutely for one hundred ~~twenty~~ eighty (1~~2~~80) days; and

(d) After submitting to the test he may, when practicable, at his own expense, have additional tests made by a person of his own choosing.

(4) If the motorist refuses to take the evidentiary test after the information has been given in accordance with subsection (3) above:

(a) His license or permit shall be seized by the police officer and forwarded to the court and a temporary permit shall be issued by the police officer which allows him to operate a motor vehicle until the date of his hearing, if a hearing is requested, but in no event for more than thirty (30) days;

(b) A written request may be made within seven (7) calendar days for a hearing before the court; if requested, the hearing must be held within thirty (30) days of the seizure~~; the~~ unless this period is, for good cause shown, extended by the court for one (1) additional thirty (30) day period. The court, in granting such an extension, may, for good cause shown, extend the defendant's temporary driving privileges for one (1) additional thirty (30) day period. The hearing shall be limited to the question of why the defendant did not take the test, and the burden of proof shall be upon the defendant; the court shall suspend all his driving privileges immediately for one hundred ~~twenty~~ eighty (1~~2~~80) days unless it finds that the police officer did not have probable cause to stop and request him to take the test or that the request violated his civil rights;

(c) If a hearing is not requested by written notice to the court concerned within seven (7) calendar days, upon receipt of a sworn

statement by the police officer of the circumstances of the refusal, the court shall suspend his driving privileges for one hundred ~~twenty~~ eighty (~~120~~80) days, during which time he shall have absolutely no driving privileges of any kind; and

(d) After submitting to the test at the request of the police officer, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of an evidentiary test for alcohol concentration taken at the direction of the police officer unless the additional test was denied by the police officer.

(5) Suspension of driving privileges under this section shall be separate and apart from any other suspension imposed for a violation of other Idaho motor vehicle codes, and may be appealed to the district court.

(6) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho shall be held liable in damages in any civil proceeding for a cause of action based upon assault, battery or false imprisonment, or be subject to prosecution under chapter 9 or 29, title 18, Idaho Code, for any act arising out of administering an evidentiary test for alcohol concentration at the request of a police officer in the manner described by this section.

(7) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(8) Any written notice required by this section shall be effective upon mailing.

SECTION 2. That Section 18-8004, Idaho Code, be, and the same is hereby amended to read as follows:

18-8004. 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 an alcohol concentration of 0.10 percent, as defined in subsection (4) of this section, or more, ~~by--weight,--of alcohol--in--his--blood,~~ as shown by analysis of his blood, urine, or breath, ~~or-other-bodily-substance,~~ to drive or be in actual physical control of a motor vehicle within this state, whether upon a highway, street or bridge, or upon public or private property open to the public.

(2) Any person having an alcohol concentration of less than 0.10 ~~percent,-by-weight,-of-alcohol-in-his-blood,~~ as defined in subsection (4) of this section, as shown by analysis of his blood, urine, or breath, ~~or-other-bodily-substance~~ by a test requested by a police officer shall not be prosecuted for driving under the influence of alcohol, except as provided in subsection (3) 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 driving or being in actual physical control of a motor vehicle while under the influence of alcohol, drugs, or any other intoxicating substances, on other competent

evidence.

(3) If the results of the test requested by a police officer show a person's alcohol concentration of less than 0.10 ~~percent, by weight, of alcohol in the person's blood~~, as defined in subsection (4) of this section, such fact may be considered with other competent evidence of drug use other than alcohol in determining the guilt or innocence of the defendant.

(4) For purposes of this chapter, 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. Notwithstanding any other provision of law or rule of court, the results of any test for alcohol concentration and records relating to calibration, approval, certification or quality control performed by a laboratory operated or approved by the Idaho department of health and welfare or by any other method approved by health and welfare shall be admissible in any proceeding in this state without the necessity of producing a witness to establish the reliability of the testing procedure for examination.

(5) It is unlawful for any person who is an habitual user of, or under the influence of any narcotic drug, or who is under the influence of any other drug or any combination of alcohol and any drug to a degree which renders him incapable of safely driving a motor vehicle, to drive or be in actual physical control of a motor vehicle within this state, whether upon a highway, street or bridge, or upon public or private property open to public use. The fact that any person charged with a violation of 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.

(6) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(7) Notwithstanding any other provision of law, any evidence of conviction under this section shall be admissible in any civil action for damages resulting from the occurrence. A conviction for the purposes of this section means that the person has pled guilty or has been found guilty, notwithstanding the form of the judgment(s) or withheld judgment(s).

Approved March 27, 1987.

CHAPTER 123
(H.B. No. 128, As Amended)

AN ACT

RELATING TO THE EDUCATIONAL SUPPORT PROGRAM; AMENDING SECTION 33-1003, IDAHO CODE, TO PROVIDE SPECIAL APPLICATION OF THE EDUCATIONAL SUPPORT PROGRAM IN A DISTRICT WITH AN EXTRAORDINARY DECLINE IN MARKET VALUE FOR ASSESSMENT PURPOSES; AND DECLARING AN EMERGENCY.

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

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

33-1003. SPECIAL APPLICATIONS OF EDUCATIONAL SUPPORT PROGRAM. 1. Decrease in Average Daily Attendance. -- Any school district which has a decrease in total average daily attendance of one percent (1%) of its average daily attendance in the then current school year from the total average daily attendance used for determining the allowance in the educational support program for the school year immediately preceding, the allowance of funds from the educational support program may be based on the average daily attendance of the school year immediately preceding, less one percent (1%). When this provision is applied, the decrease in average daily attendance shall be proportionately distributed among the various categories of support units that are appropriate for the district.

2. Application of Support Program to Separate Schools in District.

a. Separate Elementary School. -- Any separate elementary school shall be allowed to participate in the educational support program as though the school were the only elementary school operated by the district.

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

c. Separate Secondary School. -- Any separate secondary school shall be allowed to participate in the educational support program as though the school were the only secondary school operated by the district.

d. Minimum Pupils Required. -- Any elementary school having less than ten (10) pupils in average daily attendance shall not be allowed to participate in the state or county support program

unless the school has been approved for operation by the state board of education.

3. Remote Schools. -- The board of trustees of any Idaho school district which operates and maintains a school which is remote and isolated from the other schools of the state because of geographical or topographical conditions may petition the state board of education to recognize and approve the school as a remote and necessary school. The petition shall be in form and content approved by the state board of education and shall provide such information as the state board of education may require. Petitions for the recognition of a school as a remote and necessary school shall be filed annually at least ninety (90) days prior to the date of the annual meeting of the board of trustees as established in section 33-510, Idaho Code.

Within forty-five (45) days after the receipt of a petition for the recognition of a remote and necessary school, the state board of education shall either approve or disapprove the petition and notify the board of trustees of its decision. Schools which the state board of education approves as being necessary and remote shall be allowed adequate funding within the support program for an acceptable educational program for the students of the school. In the case of a remote and necessary secondary school, grades 7-12, the educational program shall be deemed acceptable when, in the opinion of the state board of education, the accreditation standard relating to staff size, established in accordance with section 33-119, Idaho Code, has been met. The final determination of an acceptable program and adequate funding in the case of a remote and necessary elementary school shall be made by the state board of education.

4. Support program when district boundaries are changed.

a. In new districts formed by the division of a district, the support program computed for the district divided in its last year of operation, shall be apportioned to the new districts created by the division, in the proportion that the average daily attendance of pupils, elementary and secondary combined, residing in the area of each new district so created, is to the average daily attendance of all pupils, elementary and secondary combined, in the district divided in its last year of operation before the division.

b. When boundaries of districts are changed by excision or annexation of territory, the support program of any district from which territory is excised for the last year of operation before such excision shall be divided, and apportioned among the districts involved, as prescribed in subsection 4a hereof.

c. In new districts formed by consolidation of former districts, the support program allowance shall be the combined support program allowances of the component districts in the last year of operation before consolidation. Provided, however, the board of trustees of the new district may petition the state board of education for special consideration in determining financial unit factors for the educational support program of the consolidated district. The petition shall be in form and content approved by the state board of education. The petition shall include a plan for annual adjustments to move from the support unit factors which were allowed the individual districts prior to consolidation to

the support unit factor allowed the consolidated districts. The plan must use divisors that are authorized in the tables of section 33-1002, Idaho Code, and must be fully adjusted within a seven (7) year period following the formation of the district. Within sixty (60) days after the receipt of a petition for special consideration of support unit factors the state board of education shall approve or disapprove the petition and notify the board of trustees of its decision. Districts which the state board of education approves for special consideration of support unit factors in the support program shall be allowed to use the approved factors for computation of its entitlement under the support program.

5. For the fiscal year which commences on July 1, 1986, and for each succeeding fiscal year, any school district whose adjusted market value for assessment purposes decreases forty percent (40%) or more from the previous year's adjusted market value for assessment purposes as such valuation existed on December 31, is eligible to receive an adjustment to its educational support program entitlement, subject to qualifications as follows:

(a) The adjusted market value for assessment purposes has decreased forty percent (40%) or more from the previous year's adjusted market value for assessment purposes as such valuation existed on December 31; and

(b) The school levy to be certified for the general maintenance and operation fund shall be no less than four-tenths of one percent (.4%); and

(c) The revenue generated by the four-tenths of one percent (.4%) tax levy is less than what could have been authorized under the provisions of section 63-2220(1)(i)(a), Idaho Code; and

(d) An eligible school district has made application to the state department of education for an adjustment to entitlement from the state educational support program on or before June 1 of the fiscal year. Such application must document the need for additional funds and must include a district plan to minimize impact of a reduced local tax base.

The application for adjustment to the educational support program shall be reviewed by the state department of education and any adjustment shall not be greater than fifty percent (50%) of the difference between the maximum revenue authorized under section 33-802(2)(a), Idaho Code, and the revenue that could have been authorized under the provisions of section 63-2220, Idaho Code.

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

Approved March 27, 1987.

CHAPTER 124
(H.B. No. 133)

AN ACT

RELATING TO THE IDAHO INSURANCE GUARANTY ASSOCIATION; AMENDING SECTION 41-3605, IDAHO CODE, TO INCLUDE UNEARNED PREMIUMS WITHIN COVERED CLAIMS.

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

SECTION 1. That Section 41-3605, Idaho Code, be, and the same is hereby amended to read as follows:

41-3605. DEFINITIONS. As used in this act,

(1) "Account" means any one (1) of the three (3) accounts created by section 41-3606, Idaho Code.

(2) "Association" means the Idaho insurance guaranty association created under section 41-3606, Idaho Code.

(3) "Director" means the director of the department of insurance of this state.

(4) "Covered claim" means an unpaid claim, ~~excluding~~ including one ~~(1)~~ for unearned premiums, which arises out of and is within the coverage of an insurance policy to which this act applies issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this act and (a) the claimant or insured is a resident of this state at the time of the insured event; or (b) the property from which the claim arises is permanently located in this state. "Covered claim" shall not include any amount due any reinsurer, insurer, insurance pool, or underwriting association, as subrogation recoveries or otherwise.

(5) "Insolvent insurer" means (a) an insurer holding a certificate of authority issued by the director to transact insurance in this state either at the time the policy was issued or when the insured event occurred and (b) determined to be insolvent by a court of competent jurisdiction.

(6) "Member insurer" means any person who (a) writes any kind of insurance to which this act applies under section 41-3603, Idaho Code, including the exchange of reciprocal or interinsurance contracts, and (b) is licensed to transact insurance in this state, except assessable mutual companies.

(7) "Net direct written premiums" means direct gross premiums written in this state on insurance policies to which this act applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

(8) "Person" means any individual, corporation, partnership, association or voluntary organization.

Approved March 27, 1987.

CHAPTER 125
(H.B. No. 150)

AN ACT

RELATING TO VEHICLE REGISTRATION FEES IN COUNTY-WIDE HIGHWAY DISTRICTS; AMENDING SECTION 40-1416, IDAHO CODE, TO PROVIDE FOR SUBMITTING BALLOT QUESTIONS TO THE VOTERS, TO PROVIDE FOR ACCOUNTING FOR REGISTRATION FEES COLLECTED BY THE TRANSPORTATION DEPARTMENT, AND TO PROVIDE FOR THE APPLICATION OF ADDITIONAL REGISTRATION FEES TO SPECIALTY PLATES.

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

SECTION 1. That Section 40-1416, Idaho Code, be, and the same is hereby amended 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~~ established in 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~~ a 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~~ department 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~~ department of revenues from the implementation of a vehicle registration fee, the ~~county-assessor~~ department 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~~ department and the commissioners of the county-wide highway district, for the ~~county-assessor's~~ department'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.

(5) Sections 49-213, 49-217, 49-218, 49-228, 49-231, 49-231A, and 49-695, Idaho Code, shall be subject to the provisions of this code section.

Approved March 27, 1987.

CHAPTER 126
(H.B. No. 152)

AN ACT

RELATING TO LOCAL IMPROVEMENT DISTRICT ASSESSMENTS; AMENDING CHAPTER 17, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-1721A, IDAHO CODE, TO PROVIDE FOR THE SEGREGATION OF A LOCAL IMPROVEMENT DISTRICT ASSESSMENT WHEN LAND SUBJECT TO THE ASSESSMENT HAS BEEN SOLD OR SUBDIVIDED; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 17, 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 50-1721A, Idaho Code, and to read as follows:

50-1721A. SEGREGATION OF ASSESSMENTS. Whenever any land against which there has been levied any special assessment by any municipality shall have been sold in part or subdivided, the council of that municipality shall have the power to order a segregation of the assessment.

Any person desiring to have such a special assessment against a tract of land segregated to apply to smaller parts thereof shall apply to the municipality which levied the assessment. If the council determines that a segregation should be made, it shall by ordinance order the clerk to make segregation on the original assessment roll as directed in the ordinance. The segregation shall be made as nearly as

possible on the same basis as the original assessment was levied, and the total of the segregated parts of the assessment shall equal the assessment before segregation. The ordinance shall describe the original tract, the amount and date of the original assessment, and shall define the boundaries of the divided parts and the amount of the assessment chargeable to each part. A certified copy of the ordinance shall be filed with the county recorder. The council may require, as a condition to the order of segregation, that the person seeking it pay the municipality the reasonable engineering and clerical costs incident to making the segregation. No segregation need be made if the council shall find that by such segregation the security of the lien for such assessment will be so jeopardized as to reduce the security for any outstanding local improvement district obligations payable from such assessment.

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

Approved March 27, 1987.

CHAPTER 127
(H.B. No. 158)

AN ACT

RELATING TO COMMERCIAL TRANSACTIONS BETWEEN ARTISTS AND ART DEALERS; AMENDING TITLE 28, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 11, PART 1, TITLE 28, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE THE RELATIONSHIP BETWEEN AN ARTIST AND AN ART DEALER, TO PROVIDE THE EFFECT OF A CONSIGNMENT OF A WORK OF FINE ART, TO PROVIDE THE EFFECT OF A SUBSEQUENT SALE OF A WORK OF FINE ART, TO PROVIDE FOR PAYMENT TO THE CONSIGNOR, TO PROVIDE THE EFFECT OF WAIVER, TO PROVIDE AN EXEMPTION FROM THE UNIFORM COMMERCIAL CODE, AND TO PROVIDE APPLICATION.

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

SECTION 1. That Title 28, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 11, Part 1, Title 28, Idaho Code, and to read as follows:

PART 1. ARTIST AND ART DEALER

28-11-101. DEFINITIONS. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Art dealer" means a person engaged in the business of selling works of fine art, other than a person exclusively engaged in the business of selling goods at public auction.

(2) "Artist" means a person who creates a work of fine art or, if the person is deceased, the person's heir, devisee, or personal representative.

(3) "Consignment" means that no title to, estate in or right to possession of fine art superior to that of the consignor vests in the consignee, notwithstanding the consignee's power or authority to transfer and convey to a third person all of the right, title and interest of the consignor in and to the fine art.

(4) "Fine art" means a painting, sculpture, drawing, work of graphic art, including an etching, lithograph, signed limited edition offset print, silk screen, or a work of graphic art of like nature; a work of calligraphy, photographs, original works in ceramics, wood, metals, glass, plastic, wax, stone or leather or a work in mixed media, including a collage, assemblage, or any combination of the art media mentioned in this subsection.

(5) "Person" means an individual, partnership, corporation, association, or other group, however organized.

28-11-102. ARTIST-ART DEALER RELATIONSHIP. Notwithstanding any custom, practice or usage of the trade to the contrary, whenever an artist delivers or causes to be delivered a work of fine art of the artist's own creation to an art dealer in this state for the purpose of exhibition and sale on a commission, fee, or other basis of compensation, the delivery to and acceptance of the work of fine art by the art dealer constitutes a consignment, unless the delivery to the art dealer is pursuant to an outright sale for which the artist receives upon delivery or has received prior to delivery full compensation for the work of fine art.

28-11-103. AGENCY RELATIONSHIP -- TRUST PROPERTY. A consignment of a work of fine art results in the following:

(1) The art dealer, after delivery of the work of fine art, is an agent of the artist for the purpose of sale or exhibition of the consigned work of fine art within the state of Idaho. This relationship shall be defined in writing and renewed at least every three (3) years by the art dealer and the artist. It is the responsibility of the artist to identify clearly the work of art by securely attaching identifying marking to or clearly signing the work of art.

(2) The work of fine art constitutes property held in trust by the consignee for the benefit of the consignor and is not subject to claim by a creditor of the consignee.

(3) The consignee is responsible for the loss of or damage to the work of fine art while in the possession of or on the premises of the consignee.

(4) The proceeds from the sale of the work of fine art constitute funds held in trust by the consignee for the benefit of the consignor. The proceeds shall first be applied to pay any balance due to the consignor, unless the consignor expressly agrees otherwise in writing.

28-11-104. SUBSEQUENT SALE -- PAYMENT TO CONSIGNOR. A work of fine art received as a consignment remains trust property, notwithstanding the subsequent purchase thereof by the consignee directly or

indirectly for the consignee's own account until the price is paid in full to the consignor. If the work is resold to a bona fide purchaser before the consignor has been paid in full, the proceeds of the resale received by the consignee constitute funds held in trust for the benefit of the consignor to the extent necessary to pay any balance due to the consignor and the trusteeship continues until the fiduciary obligation of the consignee with respect to the transaction is discharged in full.

28-11-105. WAIVER VOID -- EXEMPTION FROM UCC. (1) Any provision of a contract or agreement by which the consignor waives any provision of this part of this chapter is void.

(2) This part of this chapter is not subject to the provisions of chapters 1 through 10, title 28, Idaho Code.

28-11-106. APPLICATION. This part of this chapter does not apply to a written contract executed prior to July 1, 1987, unless:

(1) The parties agree that this part of this chapter will apply; or

(2) The contract is extended or renewed after July 1, 1987.

Approved March 27, 1987.

CHAPTER 128
(H.B. No. 164)

AN ACT

RELATING TO THE TAX LEVY ON POTATOES; AMENDING SECTION 22-1211, IDAHO CODE, TO INCREASE THE TAX LEVY ON POTATOES.

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

SECTION 1. That Section 22-1211, Idaho Code, be, and the same is hereby amended to read as follows:

22-1211. TAX LEVY. There is hereby levied and imposed a tax of four cents (4¢) per hundredweight on potatoes covered by this act, which tax shall be due on or before the time when such potatoes are first handled in the primary channels of trade and shall be paid at such time or times as the commission may by rule or regulation prescribe, but not later than the fifteenth day of the month next succeeding the month in which such potatoes were handled in the primary channels of trade. The commission is authorized to make appropriate rules and regulations to implement the collection of the taxes imposed by this chapter.

In addition to the four cents (4¢) tax hereinabove provided for, there is hereby levied and imposed an additional tax of ~~three~~ <u>six</u> cents (~~3~~<u>6</u>¢) per hundredweight on potatoes covered by this act; provided, however, said additional tax of ~~three~~ <u>six</u> cents (~~3~~<u>6</u>¢), or any

portion thereof, shall only be due and collectible upon a determination by at least two-thirds (2/3) of the commission members that the anticipated expenditures for the next fiscal year following the year in which the determination is made will exceed the anticipated tax revenues to be collected from the said four cents (4¢) tax. Upon such a determination, the commission shall collect the additional ~~three~~ six cents (~~3~~6¢) tax or such portion thereof as is required by such determination, which shall be collected with, and as, other taxes imposed by this act.

The person first selling or otherwise delivering potatoes into primary channels of trade shall be responsible for and make payment of all taxes imposed by this chapter. If such person is the dealer or shipper handling potatoes grown by another, he may charge against and recover from the grower of such potatoes or the person from whom he acquired them sixty per cent (60%) of the tax.

Approved March 27, 1987.

CHAPTER 129
(H.B. No. 166)

AN ACT
RELATING TO COMMERCIAL FEEDS; AMENDING SECTION 25-2717, IDAHO CODE, TO FURTHER DEFINE COMMERCIAL FEED.

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

SECTION 1. That Section 25-2717, Idaho Code, be, and the same is hereby amended to read as follows:

25-2717. DEFINITIONS OF WORDS AND TERMS. When used in this act:

a. The term "person" includes individual, partnership, corporation, firm, association, and agent.

b. The term "distribute" means to offer for sale, sell, barter, or otherwise supply commercial feeds.

c. The term "sell" or "sale" includes exchange.

d. The term "commercial feed" means all materials which are distributed for use as feed for poultry and animals other than man except:

1. Unmixed whole seeds or processed unmixed seeds.
2. Seeds mixed and planted as such mixture, grown and harvested as one (1) crop and processed as one (1) mixture.
3. All hay except commercially dehydrated legumes and grasses.
4. Whole or ground straw, stover, silage, cobs, hulls, wet beet pulp, pea screenings and beet discard molasses when not mixed with other materials.

e. The term "brand" means the term, design, or trademark and other specific designation under which an individual commercial feed is distributed in this state.

f. The term "label" means a display of written, printed, or graphic matter upon the container in which a commercial feed is distributed.

g. The term "ton" means a net weight of two thousand (2,000) pounds avoirdupois.

h. The term "percent" or "percentage" means percentage by weight.

i. The term "official sample" means any sample of commercial feed taken by the commissioner or his agent.

j. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular.

k. "Customer-formula feed" means commercial feed which consists of a mixture of commercial feeds and/or feed ingredients each batch of which is manufactured according to the specific instructions of the final purchaser.

Approved March 27, 1987.

CHAPTER 130
(H.B. No. 173)

AN ACT

RELATING TO IMPROVEMENT OF HIGHWAYS; AMENDING SECTION 40-201, IDAHO CODE, TO PROVIDE A STATEMENT OF POLICY.

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 HIGHWAY, HIGHWAY DISTRICTS AND CITY HIGHWAY SYSTEMS ESTABLISHED. There shall be a system of state highways in the state, a system of county highways in each county, a system of highways in each highway district, and a system of highways in each city, except as otherwise provided. The improvement of highways and highway systems is hereby declared to be the established and permanent policy of the state of Idaho, and the duty is hereby imposed upon the state, and all counties, cities, and highway districts in the state, to improve and maintain the highways within their respective jurisdiction as hereinafter defined, within the limits of the funds available.

Approved March 27, 1987.

CHAPTER 131
(H.B. No. 174)

AN ACT

RELATING TO HIGHWAY DISTRICTS; AMENDING SECTION 40-1317, IDAHO CODE, TO PERMIT BIENNIAL AUDITS OF DISTRICT FINANCIAL AFFAIRS IF THE ANNUAL DISTRICT BUDGET DOES NOT EXCEED TWO HUNDRED FIFTY THOUSAND DOLLARS.

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

SECTION 1. That Section 40-1317, Idaho Code, be, and the same is hereby amended to read as follows:

40-1317. ANNUAL FINANCIAL STATEMENT OF DISTRICT -- AUDIT. (1) On or before the first day of November of each year, the highway district shall make and file in its office a full, true and correct statement of the financial condition of the highway district on the first day of October, giving a statement of the liabilities and assets of the highway district on the first day of October, and a copy of the statement shall be published in at least one (1) issue of some newspaper published in the county.

(2) All highway districts shall have an annual audit made of the financial affairs of the district by the first day of December following the close of the fiscal year. However, lacking more stringent requirements by contract or government law, rule, or regulation, any highway district whose annual budget for all purposes does not exceed two hundred fifty thousand dollars ($250,000) may elect to have its financial transactions audited on a biennial basis and may continue biennial auditing cycles in subsequent years provided that the highway district's annual budget does not exceed two hundred fifty thousand dollars ($250,000) during any biennial period. Biennial audits shall include an audit of each fiscal year since the previous audit and the permissible cycle shall include two (2) fiscal years, which combined, commence and end on odd-numbered years. The audit shall be a public record and available for public inspection.

Approved March 27, 1987.

CHAPTER 132
(H.B. No. 177)

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING SUBSTANCES; AMENDING SECTION 18-8002, IDAHO CODE, TO PROVIDE THAT AN ARRESTING OFFICER SHALL NOT ISSUE A TEMPORARY PERMIT TO A DRIVER WHOSE LICENSE OR PERMIT HAS ALREADY BEEN SUSPENDED OR REVOKED.

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

SECTION 1. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TEST FOR DRIVER FOR BLOOD ALCOHOL. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to an evidentiary test for concentration of alcohol, drugs or other intoxicating substances as defined in section 18-8004, Idaho Code, provided that such test is administered at the request of a police officer having reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle while under the influence of alcohol, drugs or of any other intoxicating substances.

(2) Such person shall not have the right to consult with an attorney before submitting to an evidentiary test for concentration of alcohol, drugs or other intoxicating substances.

(3) At the time an evidentiary test for concentration of alcohol, drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to take the test:

(a) His license will be seized by the police officer and a temporary permit will be issued; provided, however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose license or permit has already been and is suspended or revoked because of previous violations;

(b) He has the right to request a hearing within seven (7) days to show cause why he refused to take the test;

(c) If he does not request a hearing or does not prevail at the hearing, his license will be suspended absolutely for one hundred twenty (120) days; and

(d) After submitting to the test he may, when practicable, at his own expense, have additional tests made by a person of his own choosing.

(4) If the motorist refuses to take the evidentiary test after the information has been given in accordance with subsection (3) above:

(a) His license or permit shall be seized by the police officer and forwarded to the court and a temporary permit shall be issued by the police officer which allows him to operate a motor vehicle until the date of his hearing, if a hearing is requested, but in no event for more than thirty (30) days; provided, however, that no peace officer shall issue a temporary permit pursuant to this section to a driver whose license or permit has already been and is suspended or revoked because of previous violations;

(b) A written request may be made within seven (7) calendar days for a hearing before the court; if requested, the hearing must be held within thirty (30) days of the seizure; the hearing shall be limited to the question of why the defendant did not take the test, and the burden of proof shall be upon the defendant; the court shall suspend all his driving privileges immediately for one hundred twenty (120) days unless it finds that the police officer did not have probable cause to stop and request him to take the

test or that the request violated his civil rights;

(c) If a hearing is not requested by written notice to the court concerned within seven (7) calendar days, upon receipt of a sworn statement by the police officer of the circumstances of the refusal, the court shall suspend his driving privileges for one hundred twenty (120) days, during which time he shall have absolutely no driving privileges of any kind; and

(d) After submitting to the test at the request of the police officer, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of an evidentiary test for alcohol concentration taken at the direction of the police officer unless the additional test was denied by the police officer.

(5) Suspension of driving privileges under this section shall be separate and apart from any other suspension imposed for a violation of other Idaho motor vehicle codes, and may be appealed to the district court.

(6) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho shall be held liable in damages in any civil proceeding for a cause of action based upon assault, battery or false imprisonment, or be subject to prosecution under chapter 9 or 29, title 18, Idaho Code, for any act arising out of administering an evidentiary test for alcohol concentration at the request of a police officer in the manner described by this section.

(7) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(8) Any written notice required by this section shall be effective upon mailing.

Approved March 27, 1987.

CHAPTER 133
(H.B. No. 184)

AN ACT

RELATING TO FEES FOR OPERATORS' AND CHAUFFEURS' LICENSES; AMENDING SECTION 49-312, IDAHO CODE, TO PROVIDE FOR AN INCREASE IN THE FEE FOR AN OPERATOR'S LICENSE AND FOR A CHAUFFEUR'S LICENSE, AND TO PROVIDE FOR DISTRIBUTION OF MONEYS RECEIVED FROM THE FEES; AND AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-146A, IDAHO CODE, TO PROVIDE FOR CREATION OF THE EMERGENCY MEDICAL SERVICES ACCOUNT II.

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

SECTION 1. That Section 49-312, Idaho Code, be, and the same is hereby amended to read as follows:

49-312. APPLICATION FOR LICENSE OR PERMIT -- FEES. (a) Every application for an instruction permit, for an operator's license, for a chauffeur's license, for a license extension permitted under section 49-322, Idaho Code, or for a duplicate license or permit permitted under section 49-321, Idaho Code, shall be made upon a form furnished by the department and shall be verified by the applicant before a person authorized to administer oaths, or before officers and employees of the department, or before sheriffs and their deputies.

(b) Every application for a permit, extension, duplicate or license shall be accompanied by the required fee, none of which is refundable:

(1) The fee for an instruction permit is four dollars ($4.00);

(2) The fee for an operator's license is ~~twelve~~ thirteen dollars and fifty cents (~~$12.00~~13.50);

(3) The fee for a chauffeur's license is ~~fourteen~~ fifteen dollars and fifty cents (~~$14.00~~15.50);

(4) The fee for a license extension permitted under section 49-322, Idaho Code, is three dollars ($3.00);

(5) The fee for a duplicate license or permit permitted under section 49-321, Idaho Code, is three dollars ($3.00).

(c) Every said application shall state the full name, date of birth, sex, residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal, and the applicant may be required to submit proof of date of birth sufficient to satisfy the issuing officer.

(d) Whenever an application is received from a person previously licensed in another jurisdiction, the department shall request a copy of the operator's record from such other jurisdiction. When received, the operator's record shall become a part of the operator's record in this state with the same force and effect as though entered on the operator's record in this state in the original instance.

(e) Whenever the department receives a request for an operator's record from another licensing jurisdiction, the record shall be forwarded without charge.

(f) When the fees required under this section are collected by a county officer, they shall be paid over to the county treasurer not less often than monthly, who shall immediately:

(1) Deposit an amount equal to two dollars and five cents ($2.05) from each operator's and chauffeur's license application fees in the current expense fund; and

(2) Deposit an amount equal to one dollar and fifty cents ($1.50) from each application for a duplicate license or permit in the current expense fund; and

(3) Remit the remainder to the state treasurer.

(g) When the fees required under this section are collected by a state officer or agency, they shall be paid over to the state treasurer.

(h) The state treasurer shall distribute the moneys received from fees imposed by the provisions of this section, whether collected by a county officer or by a state officer or agency, as follows:

(1) One dollar and fifty cents ($1.50) of each fee for an operator's or chauffeur's license shall be deposited in the emergency medical services account II created in section 39-146A, Idaho Code; and

(2) The remainder shall be deposited as follows:

(a) Forty percent (40%) shall be deposited in the driver training account; and

(~~2~~b) Sixty percent (60%) shall be deposited in the highway distribution account.

SECTION 2. That Chapter 1, Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 39-146A, Idaho Code, and to read as follows:

39-146A. EMERGENCY MEDICAL SERVICES ACCOUNT II. There is hereby created in the dedicated fund of the state treasury an account known as the emergency medical services account II. Subject to appropriation by the legislature, moneys in the account shall be used exclusively for the purposes of emergency medical services.

Approved March 27, 1987.

CHAPTER 134
(H.B. No. 188)

AN ACT

RELATING TO MOTOR VEHICLE REGISTRATION; AMENDING SECTION 49-107, IDAHO CODE, TO PROVIDE FOR ATTRIBUTION OF REGISTRATIONS TO COUNTIES OF RESIDENCE REGARDLESS OF THE COUNTY WHERE REGISTRATION OCCURRED, TO PROVIDE A DEFINITION OF COUNTY OF RESIDENCE, AND TO PROVIDE THAT A VIOLATION OF THE PROVISIONS OF SUBSECTION a. OF THE SECTION SHALL BE AN INFRACTION; AMENDING SECTION 49-147, IDAHO CODE, TO PROVIDE A PROPER CODE REFERENCE; AMENDING SECTION 49-3402, IDAHO CODE, TO PROVIDE THAT A VIOLATION OF THE PROVISIONS OF SUBSECTION a. OF SECTION 49-107, IDAHO CODE, IS AN INFRACTION; AMENDING SECTION 49-3406, IDAHO CODE, TO PROVIDE A PENALTY FOR VIOLATION OF THE PROVISIONS OF SUBSECTION a. OF SECTION 49-107, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-107, Idaho Code, be, and the same is hereby amended to read as follows:

49-107. OWNER TO SECURE REGISTRATION ~~IN~~ FROM A COUNTY ~~OF~~

~~RESIDENCE~~ ASSESSOR OR FROM BOARD. a. Every owner of a motor vehicle, trailer or semi-trailer who intends to operate the same upon any highway in this state shall before the same is so operated, apply to ~~the~~ a county assessor ~~of--the--county--in--which-he-resides~~ and obtain the registration thereof, except the owner of any vehicle which is exempted by section 49-108, Idaho Code, and excepting, also, when an owner is permitted to operate a vehicle under the special provisions relating to lien holders, manufacturers, dealers, and vehicles registered in a foreign country, state, territory, or federal district, contained in sections 49-117(c), ~~49-118,~~ 49-120 and 49-206--49-211, Idaho Code, provided that the registration for commercial vehicles or commercial combinations having a maximum gross weight in excess of sixteen thousand (16,000) pounds and noncommercial vehicles or noncommercial combinations having a maximum gross weight in excess of sixteen thousand (16,000) pounds shall be procured from, and the registration and use tax fees therefor paid to, the board, except as hereinafter provided. Every owner of a vehicle registered by a county assessor shall give his principal residence or domicile address to the assessor so that the proper county can be entered upon the registration. Failure to do so shall be unlawful. The department shall then attribute the registration, and all fees to be apportioned to the highway distribution account, to the county of residence regardless of the county in which the registration occurred. Fees imposed under the provisions of section 40-1416, Idaho Code, shall be separately identified and accounted for, and transmitted by the department directly to the highway district for which collected.

b. The following motor vehicles shall be registered for the appropriate gross weight scale with the county assessor of the county in which the owner resides:

(1) Motor vehicles equipped primarily to haul passengers on a commercial basis, doing strictly an intrastate business, and having gross weights of twenty-four thousand (24,000) pounds or less, including school buses as defined in subsection ~~hh~~gg. of section 49-101, Idaho Code, operated by contract carriers pursuant to a service contract with a school district.

(2) Any farm vehicle or combination of vehicles where each vehicle or combination of vehicles shall not exceed a gross weight of sixty thousand (60,000) pounds, and utility farm trailers for the gross weight as shown in section 49-126(5), Idaho Code.

c. Nonresident vehicles or combination of vehicles owned by transient labor used in hauling unprocessed agricultural products for hire and not exceeding sixty thousand (60,000) pounds gross weight shall register their vehicle for the appropriate gross weight scale for the annual fee if registered on or before June 30, and for one-half (1/2) the annual fee if not registered until on or after July 1 of any year, with the county assessor of the county in which the owner resides.

d. For the purposes of vehicle registration, a person is an actual and permanent resident of the county in which he has his principal residence or domicile. A principal residence or domicile shall not be a person's workplace, vacation, or part-time residence.

e. A violation of the provisions of subsection a. of this section shall be an infraction.

SECTION 2. That Section 49-147, Idaho Code, be, and the same is hereby amended to read as follows:

49-147. PENALTY FOR MISDEMEANOR. a. It shall be unlawful and constitute a misdemeanor for any person to violate any of the provisions of this chapter, with the exception of the provisions of subsection a. of section 49-107, Idaho Code, unless the violation is by this chapter or other law of this state declared to be a felony.

b. Every person convicted of a misdemeanor for the violation of any provision of this chapter shall be punished by a fine of not more than three hundred dollars ($300) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Contract carriers included in section 49-101~~hh~~gg., Idaho Code, and registered under the provisions of section 49-126(2), Idaho Code, who are found to be in violation of the provisions of this chapter by operating motor vehicles so registered for purposes other than the transportation of school children without first obtaining the proper registration under the provisions of sections 49-107b.(1) and 49-127(b), Idaho Code, shall be punished by a fine of not less than two hundred dollars ($200) nor more than three hundred dollars ($300).

SECTION 3. That Section 49-3402, Idaho Code, be, and the same is hereby amended to read as follows:

49-3402. INFRACTION CITATION -- ISSUANCE. (1) It is unlawful and an infraction for any person to do any act forbidden, or fail to perform any act required by the provisions of subsection a. of section 49-107 or chapters 5, 6, 7 and 8, title 49, Idaho Code.

(2) A peace officer may issue an Idaho uniform citation for any infraction specified in the provisions of subsection a. of section 49-107 or chapters 5, 6, 7 and 8, title 49, Idaho Code, in which he shall certify that he has reasonable grounds to believe and does believe, that the person cited committed the infraction contrary to law.

SECTION 4. That Section 49-3406, Idaho Code, be, and the same is hereby amended to read as follows:

49-3406. PENALTIES FOR VIOLATIONS OF STATUTES AND ORDINANCES. (1) It is an infraction for any person to violate any of the provisions of subsection a. of section 49-107 or chapters 5, 6, 7 or 8, title 49, Idaho Code, and such infraction is punishable only by a penalty not exceeding one hundred dollars ($100) and no imprisonment.

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

(3) No local authority may, by ordinance, regulation or otherwise make any act a misdemeanor which, but for such ordinance or regulation, would constitute an infraction under any provision of this

chapter and all such acts made a misdemeanor or for which a misdemeanor penalty has been established by any local authority through ordinance, regulation or otherwise are hereby declared to be infractions as defined in section 49-3401(3), Idaho Code, and shall be punishable by a penalty not exceeding one hundred dollars ($100), and shall be treated as such in the courts of this state.

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

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 27, 1987.

CHAPTER 135
(H.B. No. 189)

AN ACT

RELATING TO POLLUTION SOURCE PERMITS; AMENDING SECTION 39-115, IDAHO CODE, TO PROVIDE AUTHORITY FOR CHARGING AND COLLECTING PERMIT FEES AND ENJOINING UNLAWFUL CONSTRUCTION.

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

SECTION 1. That Section 39-115, Idaho Code, be, and the same is hereby amended to read as follows:

39-115. POLLUTION SOURCE PERMITS. (1) The director shall have the authority to issue pollution source permits in compliance with the ~~standards--and--procedures~~ regulations established by the board of health and welfare.

(2) The director shall have the authority to sue in the competent courts to enjoin any threatened or continuing:

(a) Violations of ~~any~~ pollution source permits or conditions thereof without the necessity of a prior revocation of the permit; or

(b) Construction of an industrial or commercial air pollution source without a permit required under this chapter or regulations adopted by the board.

(3) The department is authorized to charge and collect a fee for processing applications for industrial or commercial air pollution source permits in accordance with a fee schedule established by the board pursuant to this chapter.

Approved March 27, 1987.

CHAPTER 136
(H.B. No. 207)

AN ACT

RELATING TO CONSOLIDATION OF CITIES; AMENDING SECTION 50-2103, IDAHO CODE, TO SPECIFY THE NUMBER OF SIGNATURES REQUIRED ON A PETITION TO INITIATE CONSOLIDATION OF CITIES.

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

SECTION 1. That Section 50-2103, Idaho Code, be, and the same is hereby amended to read as follows:

50-2103. PETITION FOR CONSOLIDATION. The citizens of one or more contiguous cities may institute proceedings for consolidation by petition. Upon receiving a petition for consolidation by either of the cities proposed to be consolidated, which petition shall be ~~as provided in section 50-503~~ signed by registered electors of the city equal in number to twenty percent (20%) of the number of electors registered to vote at the last general city election held in the city for the election of officers, the clerk shall duly record the same and give notice to each of the cities proposed to be consolidated. Within thirty (30) days following the giving of notice, it shall be incumbent on the council(s) to proceed as hereinafter provided.

Approved March 27, 1987.

CHAPTER 137
(H.B. No. 213)

AN ACT

RELATING TO FINES UNDER THE CRIME VICTIMS COMPENSATION ACT; AMENDING SECTION 72-1025, IDAHO CODE, TO PROVIDE FOR FINES OR REIMBURSEMENTS FOR FELONIES AND MISDEMEANORS UPON A FINDING OF GUILT.

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

SECTION 1. That Section 72-1025, Idaho Code, be, and the same is hereby amended to read as follows:

72-1025. FINES -- REIMBURSEMENTS -- 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 or reimbursement according to the following schedule, unless the court orders that such fine or reimbursement be waived because the defendant is indigent and unable to pay:

(a) For each conviction, or finding of guilt of a felony, a fine or reimbursement of twenty dollars ($20.00);

(b) For each conviction, or finding of guilt of a misdemeanor ~~that--does--not-involve-motor-vehicles~~, a fine or reimbursement 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 or reimbursement 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 or reimbursements imposed under the provisions of this section shall be paid into the crime victims compensation account.

Approved March 27, 1987.

CHAPTER 138
(H.B. No. 214)

AN ACT

RELATING TO AD VALOREM TAXES ON REAL PROPERTY; AMENDING SECTION 63-1102, IDAHO CODE, TO CLARIFY WHEN AN AUDIT PERIOD FOR PAYMENT OF AD VALOREM TAXES BEGINS.

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

SECTION 1. That Section 63-1102, Idaho Code, be, and the same is hereby amended to read as follows:

63-1102. WHEN PAYABLE. All taxes extended on the real property assessment roll shall be payable to the tax collector without penalty on or before December 20 of the year in which the taxes were extended on the roll. The taxes may be paid in two (2) equal instalments, the first on or before December 20 and the second on or before June 20 of the following year. If the first instalment is not paid on or before December 20, that instalment becomes delinquent and a penalty of two per cent (2%) shall be added. Interest on the amount of the first instalment plus penalty, at the rate of one per cent (1%) per month, shall be calculated from January 1 of the following year. No tax, penalty or interest may be paid to the treasurer between December 21 and the fourth Monday of January because the books are closed for audit. If the second instalment is not paid on or before June 20, that instalment becomes delinquent and a penalty of two per cent (2%) shall be added. Interest on the amount of the second instalment plus penalty, at the rate of one per cent (1%) per month, shall be calculated from January 1 of that year. No tax, penalty or interest may be paid to the treasurer between June 21 and the fourth Monday in July because the books are closed for audit. If December 20 or June 20 falls on a Saturday, Sunday or holiday, any payment required by the provisions of this section shall be payable on the next regular workday following

December 20 or June 20. If December 20 or June 20 falls on a Saturday, Sunday or holiday, the audit period shall commence on ~~December 23 and/or June 23~~ the day following the next working day.

All delinquent state and county taxes, together with any penalties and interest, collected shall be apportioned by the county auditor according to the tax levy of the year when the delinquent tax levy was made.

Approved March 27, 1987.

CHAPTER 139
(H.B. No. 216)

AN ACT

RELATING TO CREDIT UNIONS; AMENDING SECTION 26-2119, IDAHO CODE, TO PROVIDE THAT CREDIT UNION LOANS SECURED BY A FIRST MORTGAGE OR DEED OF TRUST ON REAL PROPERTY SHALL BE AMORTIZED OVER A PERIOD OF NOT MORE THAN TWENTY YEARS AND THAT THE TOTAL OUTSTANDING BALANCE OF SUCH LOANS BY THE CREDIT UNION SHALL NOT EXCEED FIFTEEN PERCENT OF THE OUTSTANDING SHARES AND CERTIFICATES OF DEPOSIT OF THE CREDIT UNION, TO PROVIDE THAT CREDIT UNIONS LOANS SECURED BY A LIEN ON REAL PROPERTY, OTHER THAN A FIRST MORTGAGE OR DEED OF TRUST, SHALL NOT EXCEED EIGHTY PERCENT OF THE DIFFERENCE BETWEEN THE APPRAISED VALUE OF THE PROPERTY AND THE BALANCE OWING ON THE FIRST MORTGAGE OR DEED OF TRUST AND TO PROVIDE THAT THE TOTAL OUTSTANDING BALANCE OF ALL SUCH LOANS BY A CREDIT UNION SHALL NOT EXCEED TEN PERCENT OF THE OUTSTANDING SHARES AND CERTIFICATES OF DEPOSIT OF THE CREDIT UNION.

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

SECTION 1. That Section 26-2119, Idaho Code, be, and the same is hereby amended to read as follows:

26-2119. LOANS TO MEMBERS. (a) A credit union may loan to members for a provident or productive purpose and upon such security as the bylaws may provide, and the credit committee or loan officer shall approve. If permitted by law the borrowing members may be charged for the cost of filing fees on security instruments in connection with the transaction. Every application for a loan shall be made upon a form, which the credit committee prescribes and the board approves, which shall state the purpose for which the loan is desired and the security, if any, offered. Every loan shall be evidenced by a written instrument. No secured or unsecured loan shall be made to any member in excess of the limits set by written board policy. No loan shall be made unless it has been approved in writing by a loan officer or has received majority approval of the members of the credit committee present when the loan was considered, which members present shall constitute at least a majority of the credit committee.

(b) Loans may be made to, cosigned, endorsed, or guaranteed by members of the board, credit committee, and supervisory committee under the same general terms and conditions as to other members of the credit union. Any loan made to, cosigned, endorsed or guaranteed by members of the official family shall require the additional two-thirds (2/3) written agreement of all members of the board and credit committee where such loan exceeds the unsecured loan limit of the credit union plus the unencumbered share balance of the borrowing official.

(c) Loans may be granted to members of the credit union, secured by a first mortgage or deed of trust on improved real estate. Such loans shall not exceed eighty percent (80%) of the appraised value of the real estate made by an independent qualified appraiser and such loans shall provide additionally substantial equal monthly payments for the payment of insurance premiums and taxes assessed against the security, or in lieu thereof, the credit union may accept the assignment of a savings passbook. The total outstanding balance of ~~all first--mortgage~~ loans secured by a mortgage or deed of trust on real estate shall not exceed ~~ten~~ fifteen percent (~~10~~5%) of the outstanding shares and certificates of deposit of the credit union, and shall be amortized in monthly payments for a maturity of not more than ~~fifteen~~ twenty (~~15~~20) years. Notwithstanding the above, a credit union may ~~participate-in-a-home-loan-correspondent-program--whereby--the--credit union~~ makes residential real estate loans which are made to finance the acquisition of a one (1) to four (4) family dwelling for the principal residence of a credit union member, which is secured by a first lien upon such dwelling, and which may have a maturity not exceeding thirty (30) years~~.--A-credit-union-participating-in-said-home-loan-correspondent-program-must-sell-the-loan-so-written-within--a--period--of ninety--(90)-days-from-the-date-the-funds-are-disbursed-in-order-to-be exempt-from-the-restrictions-referred-to-above~~ , if the credit union has previously obtained a commitment to sell the loan on the secondary market and does sell the loan no later than ninety (90) days from the date the funds are disbursed.

(d) A credit union may advance funds secured by a second mortgage or deed of trust on real estate ~~not-to-exceed-fifty-percent--(50%)--of the--difference--between--the-appraised-value-and-the-balance-owing-on the-first-real-estate-mortgage~~. The total balance of the first and second mortgage or deed of trust combined shall not exceed eighty percent (80%) of the appraised value of the real property secured by the mortgage or deed of trust. Total second mortgage loans or deeds of trust on real estate shall not exceed ~~seven-and-one-half~~ ten percent (~~7-1/2~~10%) of the outstanding shares and certificates of deposit of the credit union. At the time a loan secured by a second mortgage or deed of trust is granted the credit union must have an appraisal performed by an independent qualified appraiser.

(e) A credit union may loan to members under the provisions of title I and II of the national housing act and such insurance on these loans shall be deemed adequate security. The terms of such loans shall be as defined by the credit committee or under the provisions of title I and II of the national housing act.

(f) In addition to generally accepted types of security, the assignment of shares in a manner consistent with the laws of Idaho,

shall be deemed security within the meaning of this chapter and the adequacy of all securities shall be within the determination of the credit committee or loan officer subject to the provisions of this chapter and the bylaws. A member may pay the whole or any part of his loan on any day in which the credit union office is open for business.

(g) The credit committee, or when authorized, the loan officer, may approve in advance upon application by a member, an extension of credit, and loans may be granted to such members within the limits of such extension of credit. Where an extension of credit has been approved, applications for loans need no further consideration as long as the aggregate obligation does not exceed the limits of such extension of credit. The credit committee shall, at least once a year, review all extensions of credit and any extension of credit shall expire if the member becomes more than sixty (60) days delinquent in his obligations to the credit union.

Approved March 27, 1987.

CHAPTER 140
(H.B. No. 219)

AN ACT

RELATING TO RISK RETENTION GROUPS; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 48, TITLE 41, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE A STATEMENT OF PURPOSE, TO PROVIDE DEFINITIONS, TO PROVIDE FOR RISK RETENTION GROUPS CHARTERED IN THIS STATE, TO PROVIDE FOR RISK RETENTION GROUPS NOT CHARTERED IN THIS STATE, TO PROVIDE COMPULSORY ASSOCIATIONS, TO PROVIDE THAT COUNTER SIGNATURES ARE NOT REQUIRED, TO PROVIDE FOR PURCHASING GROUPS, TO PROVIDE NOTICE AND REGISTRATION REQUIREMENTS FOR PURCHASING GROUPS, TO PROVIDE RESTRICTIONS ON INSURANCE PURCHASED BY PURCHASING GROUPS, TO PROVIDE ADMINISTRATIVE AND PROCEDURAL AUTHORITY REGARDING RISK RETENTION GROUPS AND PURCHASING GROUPS, TO PROVIDE PENALTIES, TO PROVIDE A DUTY FOR AGENTS OR BROKERS TO OBTAIN LICENSING, TO PROVIDE FOR BINDING EFFECT OF ORDERS ISSUED IN U.S. DISTRICT COURTS, TO PROVIDE FOR RULES AND REGULATIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 48, Title 41, Idaho Code, and to read as follows:

CHAPTER 48
RISK RETENTION GROUPS

41-4801. SHORT TITLE. This chapter may be cited as the "Idaho

Liability Risk Retention Act."

41-4802. PURPOSE. The purpose of this chapter is to regulate the formation and operation of risk retention groups in Idaho formed pursuant to the provisions of the federal liability risk retention act of 1986.

41-4803. DEFINITIONS. As used in this chapter:

(1) "Director" means the director of the department of insurance of this state or the director, commissioner, or superintendent of the department of insurance of any other state.

(2) "Completed operations liability" means liability arising out of the installation, maintenance or repair of any product at a site which is not owned or controlled by:

(a) Any person who performs that work; or

(b) Any person who hires an independent contractor to perform that work, but shall include liability for activities which are completed or abandoned before the date of the occurrence giving rise to the liability.

(3) "Domicile" for purposes of determining the state in which a purchasing group is domiciled means:

(a) For a corporation, the state in which the purchasing groups is incorporated; or

(b) For an unincorporated entity, the state of its principal place of business.

(4) "Hazardous financial condition" means that, based on its present or reasonably anticipated financial condition, a risk retention group, although not yet financially impaired or insolvent, is unlikely to be able:

(a) To meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

(b) To pay other obligations in the normal course of business.

(5) "Insurance" means primary insurance, excess insurance, reinsurance, surplus lines insurance, or any other arrangement for shifting and distributing risk which is determined to be insurance under this code.

(6) "Liability" means legal liability for damages, including costs of defense, legal costs and fees, and other claims expenses because of injuries to other persons, damage to their property, or other damage or loss to such other persons resulting from or arising out of any business whether profit or nonprofit, trade, product, services including professional services, premises, or operations, or arising out of any activity of any state or local government, or any agency or political subdivision thereof, but does not include personal risk liability or with the exception of an employer's legal liability with respect to its employees under the federal employers' liability act (45 U.S.C. 51 et seq.), an employer's liability.

(7) "Personal risk liability" means liability for damages because of injury to any person, damage to property, or other loss or damage resulting from any person, familial, or household responsibilities or activities apart from responsibilities or activities referred to in subsection (6) of this section.

(8) "Plan of operation or feasibility study" means an analysis which presents the expected activities and results of a risk retention group, including, at a minimum:

(a) The coverages, deductibles, coverage limits and rates and rating classifications systems for each line of insurance the group would offer;

(b) Historical and expected loss experience of the proposed members and national experience of similar exposures to the extent that this experience is reasonably available;

(c) Pro forma financial statements and projections;

(d) Appropriate opinions by a qualified, independent casualty actuary, including a determination of minimum premium or participation levels required to commence operations and to prevent hazardous financial conditions;

(e) Identification of management, underwriting procedures and guidelines, managerial oversight methods, and investment policies; and

(f) Such other items as may be required by the director for liability insurance companies authorized by the insurance laws of the state in which the risk retention group is chartered.

(9) "Product liability" means liability for damages because of any personal injury, death, emotional harm, consequential economic damage or property damage (including damages resulting from the loss of use of property) arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product, but does not include the liability of any person for those damages if the product involved was in the possession of such a person when the incident giving rise to the claim occurred.

(10) "Purchasing group" means any group which:

(a) Has as one of its purposes the purchase of liability insurance on a group basis;

(b) Purchases such insurance only for its group members and only to cover their similar or related liability exposure, as described in paragraph (c) of this subsection;

(c) Is composed of members whose businesses or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations; and

(d) Is domiciled in any state.

(11) "Risk retention group" means any corporation or other limited liability association:

(a) Whose primary activity consists of assuming and spreading all, or any portion of the liability exposure of its group members;

(b) Which is organized for the primary purpose of conducting the activity described under paragraph (a) of this subsection which:

(i) Is chartered and licensed as a liability insurance company and authorized to engage in the business of insurance under the laws of any state; or

(ii) Before January 1, 1985, was chartered or licensed and authorized to engage in the business of insurance under the laws of Bermuda or the Cayman Islands and, before such date,

had certified to the insurance director of at least one (1) state that it satisfied the capitalization requirements of such state, except that any such group shall be considered to be a risk retention group only if it has been engaged in such business continuously since such date and only for the purpose of continuing to provide insurance to cover product liability or completed operations liability, as such terms were defined in the federal product liability risk retention act of 1981 before the date of the enactment of the federal liability risk retention act of 1986;

(c) Which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person which:

(i) Has as its members only persons who have an ownership interest in the group and which has as its owners only persons who are members who are provided insurance by the risk retention group; or

(ii) Has as its sole member and sole owner an organization which is owned by persons who are provided insurance by the risk retention group;

(d) Whose members are engaged in businesses or activities similar or related with respect to the liability of which such members are exposed by virtue of any related, similar or common business trade, product, services, premises or operations; or

(e) Whose activities do not include the provision of insurance other than:

(i) Liability insurance for assuming and spreading all or any portion of the liability of its group members; and

(ii) Reinsurance with respect to the liability of any other risk retention group or any members of such other group, which is engaged in businesses or activities so that such group or member meets the requirement described in paragraph (d) of this subsection from membership in the risk retention group which provides such reinsurance;

(f) The name of which includes the phrase "risk retention group".

(12) "State" means any state of the United States or the District of Columbia.

41-4804. RISK RETENTION GROUPS CHARTERED IN THIS STATE. (1) A risk retention group seeking to be chartered in this state must be chartered and licensed as a liability insurance company authorized by the insurance laws of this state and, except as provided elsewhere in this chapter, must comply with:

(a) All of the laws, rules, regulations and requirements applicable to such insurers chartered and licensed in this state;

(b) Section 41-4805, Idaho Code, to the extent such requirements are not a limitation on laws, rules, regulations or requirements of this state.

(2) Before it may offer insurance in any state, each risk retention group shall also submit for approval to the director of this state a plan of operation or feasibility study and revisions of such plan or study if the group intends to offer any additional lines of

liability insurance. Immediately upon receipt of an application for charter, this state shall provide:

(a) Summary information concerning the filing to the national association of insurance commissioners, including the name of the risk retention group, the identity of the initial members of the group, the identity of those individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group;

(b) The amount and nature of initial capitalization;

(c) The coverages to be afforded; and

(d) The states in which the group intends to operate.

Providing notification to the national association of insurance commissioners is in addition to and shall not be sufficient to satisfy the requirements of section 41-4805, Idaho Code, or any other sections of this chapter.

41-4805. RISK RETENTION GROUPS NOT CHARTERED IN THIS STATE. Risk retention groups chartered in states other than this state and seeking to do business as a risk retention group in this state must observe and abide by the laws of this state as follows:

(1) Before transacting any insurance business or offering any insurance policies in this state, a risk retention group shall submit to the director of this state:

(a) A statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, the date of chartering, the risk retention group's principal place of business, and such other information including information concerning its membership as the director of this state may require to verify that the risk retention group is qualified as defined in subsection (11) of section 41-4803, Idaho Code;

(b) A copy of its plan of operations or feasibility study and revisions of such plan or study submitted to its state of domicile; provided, however, that the provision relating to the submission of a plan of operation or feasibility study shall not apply with respect to any line or classification of liability insurance which was defined in the product liability risk retention act of 1981 before October 27, 1986, and was offered before such date by any risk retention group which had been chartered and operating for not less than three (3) years before such date;

(c) A statement of registration which designates the director as its agent for the purpose of receiving service of legal documents or process against the risk retention group.

(2) Any risk retention group doing business in this state shall submit the following financial information to the director:

(a) A copy of the group's financial statement submitted to its state of domicile, which shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American academy of actuaries or a qualified loss reserve specialist operating under criteria established by the national association of insurance commissioners;

(b) A copy of each examination of the risk retention group as certified by the director or public official conducting the examination;

(c) Upon request by the director, a copy of any audit performed with respect to the risk retention group; and

(d) Such information as may be required to verify the group's continuing qualification as a risk retention group as defined in subsection (11) of section 41-4803, Idaho Code.

(3) All risk retention groups operating in this state, and all premiums paid for any coverage within this state to any risk retention group, shall be subject to the same premium tax provisions, including any interest, fines, and penalties for nonpayment, as are applicable to foreign admitted insurers. To the extent any agents or brokers are utilized, they shall report and pay the taxes for the premiums for risks which they have placed with or on behalf of any risk retention group not chartered in this state. To the extent any agents or brokers are not utilized, or agents or brokers that are utilized fail to pay said premium tax, each risk retention group shall pay the tax for risks insured within the state. Further, each risk retention group shall report to the director all premiums paid to it for risks insured within this state.

(4) Any risk retention groups and its agents and representatives are subject to and shall comply with the provisions of section 41-1329, Idaho Code (unfair claim settlement practices).

(5) Any risk retention group formed in this state shall comply with and be subject to chapter 13, title 41, Idaho Code (trade practices and frauds). The director may issue orders enjoining prohibited practices in accordance with section 41-1319, Idaho Code, or section 41-1321, Idaho Code, or may apply directly to the district court for Ada county, state of Idaho, for such injunctive relief as he deems appropriate.

(6) Any risk retention group must submit to an examination by the director of this state to allow him to determine the group's financial condition if the director of the jurisdiction in which the group is chartered has not initiated an examination or does not initiate an examination within sixty (60) days after a request by the director of this state. Any such examination shall be coordinated to avoid unjustified repetition or duplication and shall be conducted in an expeditious manner.

(7) Any policy issued by a risk retention group shall contain in 10 point or larger type on the front page and the declaration page, the following notice:

NOTICE

This policy has been issued by your risk retention group. Your risk retention group may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for your risk retention group.

(8) In addition to other restrictions that may be applicable, the following acts by a risk retention group are hereby prohibited:

(a) The solicitation or sale of insurance by a risk retention

group to any person who is not eligible for membership in such group; and

(b) The solicitation or sale of insurance by, or operation of, a risk retention group that is in a hazardous financial condition or is financially impaired.

(9) No risk retention group shall be allowed to do business in this state if an insurance company is directly or indirectly a member or owner of such risk retention group, other than in the case of a risk retention group whose members are all insurance companies.

(10) No risk retention group may offer any insurance policy or insurance coverage that has been declared unlawful by the Idaho supreme court or is in conflict with chapter 5 or chapter 25, title 41, Idaho Code.

(11) A risk retention group not chartered in this state and doing business in this state must comply with a lawful order issued in a voluntary dissolution proceeding or in a delinquency proceeding commenced by another state's insurance director if there has been a finding of financial impairment after an examination pursuant to subsection (6) of this section.

41-4806. COMPULSORY ASSOCIATIONS. No risk retention group shall be permitted to join or contribute financially to any insurance insolvency guaranty fund or similar mechanism in this state, nor shall any risk retention group, or its insureds, receive any benefit from any such fund for claims arising out of the operations of such risk retention group.

41-4807. COUNTER SIGNATURES NOT REQUIRED. A policy of insurance issued to a risk retention group or any member of that group shall not be required to be countersigned as otherwise provided in sections 41-337, 41-338 and 41-339, Idaho Code.

41-4808. PURCHASING GROUPS -- EXEMPTION FROM CERTAIN LAWS RELATING TO THE GROUP PURCHASE OF INSURANCE. Any purchasing group meeting the criteria established under the provisions of the federal liability risk retention act of 1986 shall be exempt from any law of this state relating to the creation of groups for the purchase of insurance, prohibition of group purchasing, or any law that would discriminate against a purchasing group or its members. In addition, an insurer shall be exempt from any law of this state which prohibits providing, or offering to provide to a purchasing group or its members advantages based on their loss and expense experience not afforded to other persons with respect to rates, policy forms, coverages or other matters. A purchasing group shall be subject to all other applicable laws of this state.

41-4809. NOTICE AND REGISTRATION REQUIREMENTS OF PURCHASING GROUPS. (1) A purchasing group which intends to do business in this state shall furnish notice to the director which shall:

(a) Identify the state in which the group is domiciled;

(b) Specify the lines and classifications of liability insurance which the purchasing group intends to purchase;

(c) Identify the insurance company from which the group intends to purchase its insurance and the domicile of such company;
(d) Identify the principal place of business of the group; and
(e) Provide such other information as may be required by the director to verify that the purchasing group is qualified as defined in subsection (10) of section 41-4803, Idaho Code.

(2) The purchasing group shall register with and designate the director as its agent for the purpose of receiving service of legal documents or process, except that such requirements shall not apply in the case of a purchasing group:
(a) Which was domiciled before April 1, 1986, and is domiciled on and after October 27, 1986, in any state of the United States;
(b) Which before October 27, 1986, purchased insurance from an insurance carrier licensed in any state and since October 27, 1986, purchased its insurance from an insurance carrier licensed in any state;
(c) Which was a purchasing group under the requirements of the product liability risk retention act of 1981 before October 27, 1986; and
(d) Which does not purchase insurance that was not authorized for purposes of an exemption under that act, as in effect before October 27, 1986.

41-4810. RESTRICTIONS ON INSURANCE PURCHASED BY PURCHASING GROUPS. A purchasing group may not purchase insurance from a risk retention group that is not chartered in a state, nor from an insurer not admitted in the state in which the purchasing group is located, unless the purchase is effected through a licensed agent or broker acting pursuant to the surplus lines laws and regulations of such state.

41-4811. ADMINISTRATIVE AND PROCEDURAL AUTHORITY REGARDING RISK RETENTION GROUPS AND PURCHASING GROUPS. The director is authorized to make use of any of the powers established under this code to enforce the laws of this state so long as those powers are not specifically preempted by the product liability risk retention act of 1981, as amended by the risk retention amendments of 1986. This includes, but is not limited to, the director's administrative authority to investigate, issue subpoenas, conduct depositions and hearings, issue orders and impose penalties. With regard to any investigation, administrative proceedings, or litigation, the director may rely on the procedural law and regulations of the state. The injunctive authority of the director in regard to risk retention groups is restricted by the requirement that any injunction be issued by a court of competent jurisdiction.

41-4812. PENALTIES. A risk retention group which violates any provision of this chapter will be subject to fines and penalties applicable to licensed insurers generally, including revocation of its license and/or the right to do business in this state.

41-4813. DUTY OF AGENTS OR BROKERS TO OBTAIN LICENSE. Any person

acting, or offering to act, as an agent or broker for a risk retention group or purchasing group, which solicits members, sells insurance coverage, purchases coverage for its members located within the state or otherwise does business in this state shall, before commencing any such activity, obtain a license from the director.

41-4814. BINDING EFFECT OF ORDERS ISSUED IN U.S. DISTRICT COURTS. An order issued by any district court of the United States enjoining a risk retention group from soliciting or selling insurance, or operating in any state, or in all states or in any territory or possession of the United States, upon a finding that such a group is in a hazardous financial condition shall be enforceable in the courts of the state.

41-4815. RULES AND REGULATIONS. The director may establish and from time to time amend such rules relating to risk retention groups as may be necessary or desirable to carry out the provisions of this chapter.

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

Approved March 27, 1987.

CHAPTER 141
(H.B. No. 220)

AN ACT

RELATING TO SCHOOL DISTRICT BOARDS OF TRUSTEES; AMENDING SECTION 33-504, IDAHO CODE, TO ESTABLISH THE TIME WITHIN WHICH A DECLARATION OF VACANCY MUST BE MADE, THAT APPOINTMENTS FOR VACANCIES MUST BE MADE WITHIN NINETY DAYS OF THE DECLARATION OF VACANCY, AND THAT NOTICE OF APPOINTMENT BE MADE TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

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

SECTION 1. 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 within thirty (30) days of 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; (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~~d~~ed there remains in membership on the board of trustees a majority of the membership thereof, and the board shall notify the state ~~board of education~~ superintendent of public instruction of the appointment. Such appointment shall be made within ninety (90) days of the declaration of vacancy. 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 March 27, 1987.

CHAPTER 142
(H.B. No. 221)

AN ACT

RELATING TO JUNIOR COLLEGES; AMENDING SECTION 33-2141, IDAHO CODE, TO PROVIDE THAT APPROPRIATED STATE FUNDS SHALL BE DISBURSED TO JUNIOR COLLEGE DISTRICTS ON TWO DATES, AND TO CORRECT A CODE CITATION.

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

SECTION 1. That Section 33-2141, Idaho Code, be, and the same is hereby amended to read as follows:

33-2141. DISBURSEMENT OF FUNDS -- METHOD -- FUNDS DISBURSED NOT CONSIDERED IN FIXING TUITION. Funds appropriated to the state junior college ~~fund~~ account shall be disbursed to the qualifying junior college districts as follows: fifty percent (50%) of the moneys in the account shall be disbursed on the twentieth day of July of each year and the remainder of the account shall be disbursed on the first day of September of each year. Funds disbursed under this act shall not be considered by the board of trustees of any junior college in fixing tuition of such college pursuant to section 3~~2~~3-2110, Idaho Code.

Approved March 27, 1987.

CHAPTER 143
(H.B. No. 222)

AN ACT

RELATING TO BONDED WAREHOUSES; AMENDING SECTION 69-208, IDAHO CODE, TO PROVIDE FOR AN IRREVOCABLE LETTER OF CREDIT IN LIEU OF A WAREHOUSEMAN'S BOND; AND AMENDING SECTION 69-211, IDAHO CODE, TO PROVIDE THAT A WAREHOUSEMAN MAY OPERATE TWO OR MORE WAREHOUSE LOCATIONS UNDER ONE WAREHOUSE LICENSE.

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

SECTION 1. That Section 69-208, Idaho Code, be, and the same is hereby amended to read as follows:

69-208. BOND OF APPLICANT FOR LICENSE -- ADDITIONAL BOND -- ADDITIONAL OBLIGATIONS -- CERTIFICATE OF DEPOSIT OR IRREVOCABLE LETTER OF CREDIT IN LIEU OF BOND. Each warehouseman applying for a license to conduct a warehouse in accordance with this chapter shall, as a condition to the granting thereof, execute and file with the department a good and sufficient bond other than personal security to the state to secure the faithful performance of his obligations as a warehouseman under all the laws of the state, and the rules and regulations prescribed hereunder, and of such additional obligations as a warehouseman as may be assumed by him under contracts with the respective depositors of agricultural products in such warehouse. Said bond shall be in such form and amount, shall have such surety or sureties, and shall contain such terms and conditions as the department may prescribe to carry out the purposes of this chapter. Whenever the department shall determine that a bond approved by it is, or for any cause has become, insufficient, it may require an additional bond or bonds to be given by the warehouseman concerned, conforming with the requirements of this section, and unless the same be given within the time fixed by a written demand therefor the license of such warehouseman may be suspended or revoked.

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

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

At the discretion of the director, a~~A~~ny person required to submit a bond to the department in accordance with this chapter, may ~~at--his~~

~~option~~ give to the department a certificate of deposit or an irrevocable letter of credit payable to the director as trustee in lieu of the bond required herein. The principal amount of the certificate or letter of credit shall be the same as that required for a surety bond pursuant to this chapter. Accrued interest upon the certificate of deposit shall be payable to the purchaser of the certificate. The certificate or letter of credit shall remain on file with the department until it is released, cancelled or discharged by the director. The provisions of this chapter that apply to a bond required pursuant to this chapter apply to each certificate of deposit or letter of credit given in lieu of such bond.

Under provisions of this chapter, an irrevocable letter of credit shall not be acceptable unless it is issued by a national bank in Idaho or by an Idaho state-chartered bank insured by the federal deposit insurance corporation.

SECTION 2. That Section 69-211, Idaho Code, be, and the same is hereby amended to read as follows:

69-211. FEES OF DEPARTMENT. (1) The department ~~of agriculture~~ shall charge, assess, and cause to be collected an annual fee for each warehouse license or renewal thereof, according to the following schedule:

For each original application --

Capacity in Hundredweight	Rate
0 to 50,000	$100.00
50,001 to 100,000	200.00
100,001 to 250,000	300.00
250,001 to 500,000	400.00
500,001 to 750,000	500.00
Over 750,000	600.00

For each renewal application --

Capacity in Hundredweight	Rate
0 to 50,000	$30.00
50,001 to 100,000	60.00
100,001 to 250,000	90.00
250,001 to 500,000	120.00
500,001 to 750,000	150.00
Over 750,000	180.00

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

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

(4) ~~If--a--public~~ Upon approval by the department, a warehouseman may operates two (2) or more warehouses ~~in-the-same--city--or--immediately--adjacent--thereto-or-in-the-same-immediate-area,-in-conjunction with-each-other,-and-where-one-(1)-set-of-books-and--records--is--kept for--all--such--warehouses,-only-one-(1)-license-shall-be-required-for~~

~~the operations of all such warehouses~~ under a single warehouse license.

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

Approved March 27, 1987.

CHAPTER 144
(H.B. No. 225)

AN ACT

RELATING TO THE PRACTICE OF CHIROPRACTIC; AMENDING SECTION 54-705, IDAHO CODE, TO CORRECT TERMINOLOGY AND TO PROVIDE THAT A CHIROPRACTIC ASSISTANT MAY PERFORM CHIROPRACTIC SERVICES EXCEPT FOR ADJUSTMENT OR MANIPULATION OF ARTICULATIONS OF THE BODY; AMENDING SECTION 54-710, IDAHO CODE, TO REQUIRE FIVE CONSECUTIVE YEARS OF CHIROPRACTIC EXPERIENCE AND CURRENT NATIONAL BOARD OF CHIROPRACTIC EXAMINER'S CERTIFICATE AS REQUISITES FOR LICENSURE IN IDAHO BY ENDORSEMENT AND TO DELETE SUPERFLUOUS LANGUAGE AND INTERVIEW REQUIREMENTS; AMENDING SECTION 54-711, IDAHO CODE, TO PROVIDE FOR BOARD RULES GOVERNING TEMPORARY PRACTICE AND TO REQUIRE TEMPORARY PRACTICE BE UNDER DIRECT AND IMMEDIATE SUPERVISION OF A PHYSICIAN; AMENDING SECTION 54-712, IDAHO CODE, TO PROVIDE THAT THE BOARD MAY TAKE ACTION BASED ON THEIR FINDINGS, TO PROVIDE THE BOARD MAY SUSPEND OR REVOKE A LICENSE ON A WITHHELD JUDGMENT OR SUSPENDED SENTENCE INVOLVING A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, TO PROHIBIT ADVERTISEMENT OF CHIROPRACTIC IN A FALSE, MISLEADING OR DECEPTIVE MANNER, TO DELETE REQUIREMENTS THAT ANOTHER STATE'S ACTION MUST BE RELATED TO THE COMPETENCE OF THE PRACTITIONER FOR THE BOARD TO TAKE ACTION, TO PROVIDE THAT A LICENSE MAY BE SUSPENDED OR REVOKED IF THE LICENSEE HAS ENGAGED IN ANY CONDUCT WHICH CONSTITUTES AN ABUSE OR EXPLOITATION OF A PATIENT, HAS COMMITTED ANY ACT WHICH CONSTITUTES A FELONY OR ANY CRIME INVOLVING MORAL TURPITUDE OR HAS VIOLATED ANY PROVISIONS OF THIS ACT OR RULE OF THE BOARD.

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

SECTION 1. That Section 54-705, Idaho Code, be, and the same is hereby amended to read as follows:

54-705. ~~UNLICENSED PRACTICE~~ EXCEPTIONS -- PROHIBITED PRACTICES -- NEGLIGENCE ESTABLISHED. (1) Under the circumstances described and, subject in each case to the limitations stated, the following persons, though not holding a license to practice chiropractic in this state, may engage in activities included in the practice of chiropractic:

(a) A person licensed by this state pursuant to chapter 18, title 54, Idaho Code;

(b) A person chiropractic assistant as shall be defined and regu-

lated by the board, administering a ~~remedy,--therapy,--diagnostic~~ procedure ~~or--advice~~ set forth in section 54-704, Idaho Code, but not including the adjustment or manipulation of articulations of the body, as specifically directed by a chiropractic physician as long as such directions are within the scope of chiropractic practice;

(c) A person rendering aid in an emergency, for which no fee for the services is contemplated, charged or received;

(d) A person residing in another state or country and authorized to practice chiropractic there, who is called in consultation by a person licensed in this state to practice chiropractic, or who for the purpose of furthering chiropractic education is invited into this state to conduct a lecture, clinic, or demonstration, while engaged in activities in connection with the consultation, lecture, clinic, or demonstration, so long as he does not open an office or appoint a place to meet patients or receive calls in this state;

(e) A person authorized to practice chiropractic in another state or country rendering chiropractic care in a time of disaster or while caring for an ill or injured person while at the scene of an emergency and while continuing to care for such person.

(2) Except as provided in subsection (1) of this section, it is unlawful for any person to practice chiropractic in this state without a license and, upon conviction thereof, shall be fined not less than one thousand dollars ($1,000) nor more than three thousand dollars ($3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.

(3) ~~Except--as-provided-in-subsection-(1)-of-this-section,-i~~It is unlawful for any person to assume or use the title or designation "chiropractor," "chiropractic physician," "doctor of chiropractic," the initials "D.C.," or any word or title or abbreviation thereof calculated to induce the belief that he is engaged in the practice of chiropractic or to indicate to the public that such person is licensed to practice chiropractic pursuant to this act unless such person is so licensed, and upon conviction thereof, such person shall be fined not less than five hundred dollars ($500) nor more than three thousand dollars ($3,000), or imprisoned for not less than six (6) months nor more than one (1) year, or by both such fine and imprisonment.

(4) When a person has been a recipient of services constituting the unlawful practice of chiropractic, whether or not he knew the rendition of the services was unlawful, proof of the rendition of unlawful services to the recipient, in an action against the provider of such services for damages allegedly caused by the services, constitutes prima facie evidence of negligence, shifting the burden of proof to such provider of unlawful services. The following damages in addition to any other remedies provided by law may be recovered in such an action:

(a) Amount of any fees paid for the unlawful services; and

(b) Reasonable attorney fees and court costs.

(5) The board shall refer all violations made known to it to an appropriate prosecuting attorney. The board shall render assistance to a prosecuting attorney in the prosecution of a case pursuant to this

section.

SECTION 2. That Section 54-710, Idaho Code, be, and the same is hereby amended to read as follows:

54-710. LICENSURE BY ENDORSEMENT. Any person seeking to be licensed to practice chiropractic in this state who is licensed to practice chiropractic in another state must successfully complete the following requirements before a license to practice chiropractic will be issued.

(1) Each applicant must submit a completed written application to the board on forms furnished by the board which require proof of graduation from an acceptable school of chiropractic and which contains proof that the applicant has for five (5) consecutive years immediately prior to application, practiced chiropractic and holds a valid, unrevoked, unsuspended license to practice chiropractic in a state, territory or district of the United States or Canada, and ~~the applicant demonstrates that he possesses the requisite qualifications to provide the same standard of chiropractic care as provided by physicians in this state. The board may require further examination to establish such qualifications~~ a national board of chiropractic examiner's certificate.

(2) Each applicant ~~shall be personally interviewed by the board or a designated committee of the board. An interview shall be conducted to specifically review the applicant's qualifications and professional credentials and to demonstrate to the board that the applicant possesses the arts and skills of chiropractic adjusting~~ must demonstrate that he possesses the requisite qualifications to provide the same standard of chiropractic care as provided by physicians in this state. The board may require further examination to establish such qualifications.

SECTION 3. That Section 54-711, Idaho Code, be, and the same is hereby amended to read as follows:

54-711. TEMPORARY PRACTICE. Any person who has submitted an application to the board for licensure by examination to practice chiropractic in the state of Idaho, may be permitted to practice chiropractic prior to examination and licensure in accordance with board rules upon the following conditions:

(1) The applicant must request permission of the board in writing to engage in such temporary practice and must affirmatively show that the applicant will take the next examination for licensure given by the board, and that the applicant has not failed two (2) previous examinations conducted by the board; and

(2) A licensed physician certifies to the board that such applicant will practice chiropractic under the direct and immediate supervision of such physician and only in the office of such physician.

SECTION 4. That Section 54-712, Idaho Code, be, and the same is hereby amended to read as follows:

54-712. DISCIPLINE BY THE BOARD -- GROUNDS. The board may suspend or revoke a license to practice chiropractic if the board finds that the licensee:

(1) Has been convicted, found guilty, received a withheld judgment or suspended sentence in this or any other state of a felony or a crime involving moral turpitude;

(2) Used false, fraudulent or forged statements or documents, diplomas or credentials in connection with any licensing or other requirements of this chapter;

(3) Practiced chiropractic under a false or assumed name in this or any other state;

(4) Advertised the practice of chiropractic in ~~an--unethical, unprofessional,-or-misleading~~ a false, misleading or deceptive manner;

(5) Knowingly aided or abetted any person to practice chiropractic who is not authorized to practice chiropractic as provided in this chapter;

(6) Is unable to obtain or renew a license to practice chiropractic, or whose license to practice chiropractic has been revoked or suspended by any other state, territory or district of the United States or Canada~~,--unless--it--can-be-shown-that-such-action-was-not related-to-the-competence-of-the-person-to-practice-chiropractic-or-to any-conduct-designated-herein~~;

(7) Failed to safeguard the confidentiality of chiropractic records or other chiropractic information pertaining to identifiable clients, except as required or authorized by law;

(8) Practiced chiropractic when a license pursuant to this chapter is suspended, revoked, or inactive; or

(9) Refused to divulge to the board, upon demand, the means, method, device or instrumentality used in the treatment of a disease, injury, ailment, or infirmity;

(10) Has engaged in any conduct which constitutes an abuse or exploitation of a patient arising out of the trust and confidence placed in the licensee by the patient;

(11) Has committed any act which constitutes a felony or has committed any act which constitutes a crime involving moral turpitude; or

(12) Has violated any provision of this act or any rule promulgated by the board for the administration or enforcement of this act.

Approved March 27, 1987.

CHAPTER 145
(H.B. No. 228)

AN ACT

RELATING TO THE CUSTODY OF A JURY DURING TRIAL; AMENDING SECTION 19-2126, IDAHO CODE, TO PROVIDE THAT IN THE DISCRETION OF THE COURT A JURY SWORN TO TRY ANY FELONY, EXCEPT FOR FIRST DEGREE MURDER, MAY BE PERMITTED TO SEPARATE DURING A TRIAL AFTER THE CAUSE IS SUBMITTED TO THE JURY FOR DELIBERATION AND TO PROVIDE

THAT BEFORE PERMITTING THE JURY TO SEPARATE AFTER THE CAUSE HAS BEEN SUBMITTED, THE COURT SHALL PERMIT COUNSEL TO PLACE OBJECTIONS, IF ANY, ON THE RECORD OUTSIDE THE PRESENCE OF THE JURY.

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

SECTION 1. That Section 19-2126, Idaho Code, be, and the same is hereby amended to read as follows:

19-2126. CUSTODY OF JURY DURING TRIAL. The jury sworn to try ~~an indictment--for~~ any ~~offense~~ felony may, at any time during the trial, ~~before~~ and after the submission of the cause, in the discretion of the court, be permitted to separate, or they may be kept together, in charge of a proper officer. Provided however, that in causes where the defendant has been charged with first degree murder, the jury may not be permitted to separate after submission of the cause. Before permitting the jury to separate after the cause has been submitted, the court shall permit counsel to place objections, if any, on the record outside the presence of the jury. In case the court orders the jury to be kept together the sheriff must provide a suitable place for the board and lodging of the jury, at the expense of the county, and when first given custody of the jury the officer must be sworn to keep the jury together during each recess and adjournment during the trial; to suffer no person to speak to or communicate with them, or either of them, nor to do so himself, on any subject connected with the trial, and to return them into court as ordered by the court.

Approved March 27, 1987.

CHAPTER 146
(H.B. No. 245)

AN ACT

RELATING TO STATEHOOD CENTENNIAL LICENSE PLATES; AMENDING SECTION 49-218, IDAHO CODE, TO ALLOW FOR THE ISSUANCE OF CENTENNIAL LICENSE PLATES TO ADDITIONAL CLASSES OF VEHICLES, TO REDUCE THE REPLACEMENT FEE FOR CENTENNIAL LICENSE PLATES, TO PROVIDE THAT CENTENNIAL LICENSE PLATES CAN BE RETAINED AFTER DECEMBER 31, 1990, UNTIL THE NEXT GENERAL REISSUANCE OF LICENSE PLATES, AND TO PROVIDE FOR SPENDING AUTHORITY FOR FUNDS IN THE IDAHO CENTENNIAL COMMISSION ACCOUNT; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-218, Idaho Code, be, and the same is hereby amended 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.~~ Statehood centennial license plates are available to owners of motor vehicles required to be registered under section 49-126(1) or section 49-126(3), Idaho Code, upon application at a county assessor's office. Availability of statehood centennial plates for other classes of vehicle registrations shall be as authorized by rules and regulations of the department. 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)~~ the fees required in section 49-113(e), Idaho Code, 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~~. The statehood centennial plates may be renewed following December 31, 1990, until the next reissue of license plates as required by section 49-113, Idaho Code. The special fee in section 49-218(1), Idaho Code, shall not apply after December 31, 1990. Regular registration and other fees shall apply.

(6) The department shall have the authority to adopt such regulations as may be necessary to carry out the provisions of this act.

(7) Moneys deposited into the Idaho statehood centennial commission account are hereby appropriated to the Idaho statehood centennial commission for the period from the effective date of this act through June 30, 1991.

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

Approved March 27, 1987.

CHAPTER 147
(H.B. No. 255)

AN ACT

RELATING TO THE PRACTICE OF PSYCHOLOGY; AMENDING SECTION 54-2302, IDAHO CODE, TO CLARIFY LANGUAGE DEFINING THE PRACTICE OF PSYCHOLOGY AND TO PROVIDE THAT THE PRACTICE OF PSYCHOLOGY INCLUDES DIAGNOSING AND TREATMENT; AMENDING SECTION 54-2305, IDAHO CODE, TO PROVIDE FOR CONTINUING EDUCATION TO BE ESTABLISHED BY BOARD RULE; AMENDING SECTION 54-2315, IDAHO CODE, TO PROVIDE RENEWAL FEES BE SET BY BOARD RULE AND TO ESTABLISH A MAXIMUM AMOUNT; AND AMENDING SECTION 54-2313, IDAHO CODE, TO PROHIBIT A PSYCHOLOGIST FROM DIAGNOSING OR TREATING MEDICAL CONDITIONS.

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

SECTION 1. That Section 54-2302, Idaho Code, be, and the same is hereby amended to read as follows:

54-2302. DEFINITIONS. Within the meaning of this act the following definitions obtain:

(a) "Department" means the department of self-governing agencies of the state of Idaho.

(b) "Bureau chief" means the chief of the bureau of occupational licenses of the state of Idaho.

(c) "Board" means the Idaho state board of psychologist examiners.

(d) "Person," "he" and "his" mean either male or female persons unless a contrary intention is made manifest. None of these words shall be taken to mean other than a natural person.

(e) "Psychological services" means any services to which the words "psychological," "psychologist" or "psychology" are applied by the person rendering or offering to render them or to the "practice of psychology" as defined in section 54-2302(f), Idaho Code.

(f) "Practice of psychology" means the application of established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment. The application of said principles includes, but is not restricted to, counseling and the use of psychotherapeutic measures with persons or groups ~~with adjustment problems~~ to eliminate symptomatic, maladaptive or undesired behavior so as to enhance interpersonal relationships in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; diagnosing and treating mental and emotional disorders or disabilities; and doing research on problems relating to human behavior.

(g) A person represents himself to be a psychologist when he holds himself out to the public by any title or description incorporating the words "psychological," "psychologist" or "psychology" or offers to render or renders psychological services for remuneration.

SECTION 2. That Section 54-2305, Idaho Code, be, and the same is hereby amended to read as follows:

54-2305. BOARD OF PSYCHOLOGIST EXAMINERS -- POWERS. The board of psychologist examiners shall have the following powers:

(a) To pass upon the qualifications and fitness of applicants for licenses and reciprocal licenses; and, at its option to adopt and revise rules and regulations requiring applicants to pass examinations relating to their qualifications as a prerequisite to the issuance of licenses.

(b) To adopt, and, from time to time, revise such rules and regulations not inconsistent with the law as may be necessary to carry into effect the provisions of this act. Such rules and regulations shall include, but not be limited to, (1) a code of ethics for psychologists in the state consistent with the current, and as future amended, ethical standards for psychologists of the American psychological association; (2) the educational and professional qualifications of applicants for licensing under this act.

(c) To examine for, deny, approve, issue, revoke, suspend and renew the licenses of psychologist applicants pursuant to this act, and to conduct hearings in connection therewith.

(d) To conduct hearings upon complaints concerning violations of the provisions of and the rules and regulations adopted pursuant to this act and cause the prosecution and enjoinder of all such violations.

(e) The board, or its duly appointed hearing officer, shall have the power in any disciplinary proceeding under this chapter, to administer oaths, take depositions of witnesses within or without the state in the manner provided by law in civil cases, and may apply to any district court of this state for a subpoena to require the attendance of such witnesses and the production of such books, records, and papers as it deems necessary. The fees and mileage of the witnesses shall be the same as that allowed in district courts in criminal cases, which fees and mileage shall be paid in the same manner as other expenses of the board are paid. In any case of disobedience to, or neglect of, any subpoena or subpoena duces tecum served upon any person, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated. It shall be the duty of any district court in this state, on application by the board, to compel compliance with the subpoena by proceedings for contempt, as in the case of disobedience of the requirements of the subpoena issued from such court for refusal to testify therein. The licensed person accused in such proceedings shall have the same right of subpoena.

(f) To authorize, by written agreement, the bureau of occupational licenses as agent to act in its interest.

(g) To adopt a rule requiring continuing education as a condition of continued licensure.

SECTION 3. That Section 54-2315, Idaho Code, be, and the same is hereby amended to read as follows:

54-2315. ADMINISTRATION BY BUREAU OF OCCUPATIONAL LICENSES -- FEE FOR RENEWAL OF LICENSE. This act shall be administered by the bureau of occupational licenses. The fee for renewal of license shall be ~~eighty~~ a fee as established by board rule not to exceed two hundred dollars ~~($80.00)~~ per annum.

SECTION 4. That Section 54-2313, Idaho Code, be, and the same is hereby amended to read as follows:

54-2313. UNAUTHORIZED PRACTICE OF MEDICINE. Nothing herein shall be construed as authorizing any person licensed as a psychologist to engage in any manner in the practice of medicine as defined in the laws of this state. A psychologist who engages in psychotherapy shall make provision for the diagnosis and treatment of medical conditions in collaboration with a physician licensed pursuant to title 54, chapter 18, Idaho Code. A psychologist shall not diagnose, prescribe for or treat a client with reference to a medical condition.

Approved March 27, 1987.

CHAPTER 148
(H.B. No. 258)

AN ACT

RELATING TO BLOOD DONATIONS; PROVIDING A DECLARATION OF POLICY; AMENDING THE CHAPTER HEADING FOR CHAPTER 37, TITLE 39, IDAHO CODE, AND AMENDING SECTION 39-3702, IDAHO CODE, REGARDING EXCLUSION OR MODIFICATION OF WARRANTIES ON BLOOD SERVICES TO INCLUDE SERVICES RELATING TO DONATION OF ANY ANATOMICAL TISSUE, TISSUE PRODUCT, ORGAN OR DERIVATIVES THEREFROM; AND DECLARING AN EMERGENCY.

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

SECTION 1. The availability of anatomical parts, including whole blood, plasma, blood products, blood derivatives, anatomical tissue, tissue products, organs, parts of or products derived therefrom, being important to the health and welfare of the people of the state of Idaho, it is hereby declared to be the public policy of the state that the health and welfare of the people will be promoted by limiting the legal liability arising out of the scientific procedures relating to blood services and donor services relating to other bodily tissue, tissue products, organs, parts of organs or products derived therefrom and their use to instances of negligence or willful misconduct, and to remove such services from the imposition of any legal liability without fault as more particularly hereinafter set forth.

SECTION 2. That the chapter heading for Chapter 37, Title 39, Idaho Code, and Section 39-3702, Idaho Code, be, and the same are hereby amended to read as follows:

CHAPTER 37
~~BLOOD DONATIONS~~
ANATOMICAL TISSUE, ORGAN, FLUID DONATIONS

39-3702. EXCLUSION OR MODIFICATION OF WARRANTIES ON ~~BLOOD~~ ANATOMICAL TISSUE, ORGAN, FLUID DONATION SERVICES. The procurement, processing, storage, distribution, or use of whole blood, plasma, blood products ~~and~~, blood derivatives, bodily tissue, tissue products, organs, parts of organs or products derived therefrom for the purpose of injecting ~~or~~, transfusing or transplanting the same, or any of them, into the human body for any purpose whatsoever is declared to be the rendering of a service by any person or entity (except a paid blood, organ or tissue donor, or a blood, organ or tissue bank operated for profit) participating therein and does not constitute a sale, whether or not any consideration is given therefor, and the implied warranties of merchantability and fitness for a particular purpose shall not be applicable as to a defect that cannot be detected or removed by reasonable use of standard established scientific procedures or techniques, except such person or entity shall remain liable for his or its own negligence or willful misconduct only.

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 27, 1987.

CHAPTER 149
(H.B. No. 265)

AN ACT

RELATING TO INCOME TAX OF CERTAIN MULTISTATE PARTNERSHIPS AND S CORPORATIONS AND THEIR PARTNERS AND SHAREHOLDERS; AMENDING SECTION 63-3022, IDAHO CODE, TO REINSERT AND CLARIFY LANGUAGE PREVIOUSLY STRICKEN IN ERROR AND TO CLARIFY THE MANNER IN WHICH THE INCOME OF NONRESIDENT PARTNERS OF A PARTNERSHIP DOING BUSINESS IS TO BE TAXED; AMENDING SECTION 63-3027A, IDAHO CODE, TO CLARIFY THE MANNER IN WHICH NONRESIDENTS OR PART-YEAR RESIDENTS ARE TO APPORTION INCOME TO THE STATE OF IDAHO FOR INCOME TAX PURPOSES; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

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

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

adjusted as follows:

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

(1) In the case of a corporation whose income is 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 obligations 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.

(2) In the case of a corporation whose income is computed pursuant to section 63-3027, Idaho Code, the interest expense deductible shall be an amount equal to interest and dividend income subject to apportionment, plus the amount, if any, by which the balance of interest expense exceeds interest and dividend income not subject to apportionment. Interest expense not included in the preceding sentence shall be directly offset against interest and dividend income not subject to apportionment. This provision shall not apply to dividend income excluded pursuant to section 63-3027C(c) and (e), Idaho Code.

(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.

(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, or a partnership having income from Idaho sources, salaries, wages, fees, and other compensation paid to nonresident shareholders~~, and the dividends distributed and the undistributed taxable income~~ or partners, and the items of income, loss, deduction, and credit allocated to each nonresident shareholder~~,~~ or partner shall be treated as ~~income--from~~ having sources within the state. Whether or not any personal services have been performed in this state by such nonresident shareholders or partners, 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~~ partners or items of income, loss, deduction, and credit, or allocated to such shareholders or partners 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 or partnership. The apportionment factor of the corporation or partnership shall be computed pursuant to the provisions of section 63-3027, Idaho Code. If such ~~dividends, undistributed taxable income~~ items of income, loss, deduction, or credit, salaries, wages, fees or other compensation are not reported to this state by the nonresident shareholders or partners, such corporation or partnership shall report the same to this state and be taxable thereon at the corporate rate. Provided, however, reasonable compensation paid to such nonresident shareholders or partners 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 or partnership under this subsection, deduction shall not be allowed for a carryover or carryback of a net operating loss provided for in subsection (d) of this section or a capital loss provided for in section 1212 of the Internal Revenue Code.

(1) In the case of natural persons, there shall be allowed as deductions from gross income either (1) or (2) at the option of the taxpayer:

(1) a. The zero bracket amount as defined by section 63, Internal Revenue Code, plus

b. Contributions made to the state of Idaho for credit to the medical assistance account, if such contributions were not previously subtracted in arriving at taxable income, plus

c. Itemized expenditures of not to exceed one thousand dollars ($1,000) per cared for member incurred in providing personal care services to or for an immediate member of the taxpayer's family; such services may be provided either in the taxpayer's home or the family member's home; personal care services shall be as defined in chapter A47, title 39, Idaho Code, but the cared for member need not be medicaid eligible for the purposes of this section only, if he substantially meets all of the other requirements of chapter A47, title 39, Idaho Code; in order for the deduction under this paragraph c. to be allowed, the expenditures claimed must not have been reimbursed by medicare, medicaid or private insurance, and such expenditures must not have been previously subtracted in arriving at taxable income.

(2) a. Itemized deductions as defined in sections 163, 164 (except state income taxes as specified in subsection (b) of this ~~act~~ section), 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 2. That Section 63-3027A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3027A. COMPUTING TAX OF PART-YEAR OR NONRESIDENT INDIVIDUALS, TRUSTS AND ESTATES. (a) In computing the tax of a part-year or nonresident individual, trust or estate, the tax imposed by section 63-3024, Idaho Code, shall be reduced to the proportion that the adjusted gross income of the taxpayer from Idaho sources bears to the total adjusted gross income from all sources.

(b) In the case of a nonresident or part-year resident individual, trust, or estate, the apportionment factor calculated in subsection (a) of this section shall be modified by adjusting both the taxpayer's adjusted gross income and the adjusted gross income from Idaho sources to reflect the items of income and deduction used to compute the taxable income as provided by section 63-3022, Idaho Code.

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

Approved March 27, 1987.

CHAPTER 150
(H.B. No. 308)

AN ACT

RELATING TO EMERGENCY VEHICLE LIGHTS; AMENDING CHAPTER 8, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-830A, IDAHO CODE, TO PROVIDE LIMITATIONS ON THE COLOR OF LAMPS AND GLOBES THAT EMERGENCY VEHICLES AND NONEMERGENCY VEHICLES MAY DISPLAY.

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

SECTION 1. That Chapter 8, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-830A, Idaho Code, and to read as follows:

49-830A. COLOR OF LAMPS AND GLOBES LIMITED TO CERTAIN VEHICLE CLASSES. For the purposes of this chapter lighting devices utilizing various colors of lighted globes approved by the director for use on vehicles shall be restricted to the following class of vehicles:

(a) Police vehicles. Only police vehicles shall display blue lights, lenses or globes.

(b) Fire fighting vehicles, ambulances and designated emergency vehicles. With the exception of school buses as provided in section 49-809A, Idaho Code, only fire fighting vehicles, ambulances, and designated emergency vehicles may display red flashing lights or red lenses or globes which are visible from the front of the vehicle.

(c) All vehicles. Any motor vehicles shall be entitled to display a flashing amber light to warn motorists of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing the vehicle displaying such lighting. The driver of an approaching vehicle shall yield the right of way to any stationary vehicle displaying a flashing amber light.

Approved March 27, 1987.

CHAPTER 151
(H.B. No. 312)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE ATTORNEY GENERAL FOR FISCAL YEAR 1988 AND DESIGNATING PROGRAM LIMITS; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE ATTORNEY GENERAL.

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, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$3,009,500
Operating Expenditures	366,600
Capital Outlay	12,300
TOTAL	$3,388,400
FROM:	
General Account	$1,658,400
Interagency Billing and Receipts Account	1,730,000
TOTAL	$3,388,400

SECTION 2. There is hereby appropriated to the Attorney General the following amounts, to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. STATE LEGAL SERVICES:				
FROM:				
General Account	$1,290,400	$255,700	$12,300	$1,558,400
Interagency Billing and Receipts Account	1,719,100	10,900		1,730,000
TOTAL	$3,009,500	$266,600	$12,300	$3,288,400
II. SPECIAL SERVICES LITIGATION:				
FROM:				
General Account		$100,000		$ 100,000
GRAND TOTAL	$3,009,500	$366,600	$12,300	$3,388,400

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

SECTION 4. There is hereby reappropriated to the Attorney General any unexpended and unencumbered balances of the General Account money appropriated by Section 2, Programs B and C, Chapter 279, Laws of 1986, to be expended for the Special Services Litigation Program and the Reserved Water Rights Technical Studies Program for the period July 1, 1987, through June 30, 1988.

Approved March 27, 1987.

CHAPTER 152
(H.B. No. 313)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE IDAHO CENTENNIAL COMMISSION.

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 Idaho Centennial Commission $100,000 from the General Account for the period July 1, 1987, through June 30, 1991.

Approved March 27, 1987.

CHAPTER 153
(H.B. No. 318)

AN ACT
APPROPRIATING MONEYS TO THE AGENCIES LISTED IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 1988, 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, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. STATE ATHLETIC DIRECTOR:				
FROM:				
General Account		$ 2,500		$ 2,500
Athletic Account		3,600		3,600
TOTAL		$ 6,100		$ 6,100
B. BOARD OF PHARMACY:				
FROM:				
General Account	$ 30,500			$ 30,500
Pharmacy Board Account	174,400	$ 113,000	$ 8,500	295,900
TOTAL	$ 204,900	$ 113,000	$ 8,500	$ 326,400
C. BOARD OF ACCOUNTANCY:				
FROM:				
State Board of Accountancy Account	$ 83,200	$ 122,000	$ 6,000	$ 211,200
D. BOARD OF DENTISTRY:				
FROM:				
State Board of Dentistry Account	$ 82,300	$ 41,600	$ 1,100	$ 125,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
E. BOARD OF ENGINEERING EXAMINERS:				
FROM:				
Professional Engineers Account	$ 79,100	$ 88,900	$ 4,000	$ 172,000
F. BOARD OF MEDICINE:				
FROM:				
State Board of Medicine Account	$ 131,200	$ 125,200	$ 2,000	$ 258,400
G. BOARD OF NURSING:				
FROM:				
State Board of Nursing Account	$ 176,700	$ 114,100	$ 5,200	$ 296,000
H. BUREAU OF OCCUPATIONAL LICENSES:				
FROM:				
Occupational License Account	$ 320,400	$ 211,700	$ 9,700	$ 541,800
I. PUBLIC WORKS CONTRACTORS STATE LICENSE BOARD:				
FROM:				
Public Works Contractors State License Board Account	$ 132,300	$ 80,800	$17,500	$ 230,600
J. IDAHO REAL ESTATE COMMISSION:				
FROM:				
Idaho Real Estate Brokers Commission Account	$ 470,300	$ 211,800	$35,600	$ 717,700
K. PROFESSIONAL GEOLOGISTS BOARD:				
FROM:				
Professional Geologists Account	$ 13,300	$ 12,200	$ 2,500	$ 28,000
L. BOARD OF OPTOMETRY:				
FROM:				
State Board of Optometry Account	$ 2,500	$ 6,700		$ 9,200
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	$ 81,400	$ 6,100	$ 210,200
O. BOARD OF VETERINARY MEDICINE:				
FROM:				
State Board of Veterinary Medicine Account	$ 16,500	$ 19,000		$ 35,500
GRAND TOTAL	$1,838,700	$1,243,200	$98,200	$3,180,100

Approved March 27, 1987.

CHAPTER 154
(H.B. No. 321)

AN ACT
APPROPRIATING MONEYS TO THE STATE TREASURER FOR FISCAL YEAR 1988; 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, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$293,900	$35,800	$10,000	$339,700
Interagency Billing and Receipts Account	162,900	52,100	6,000	221,000
TOTAL	$456,800	$87,900	$16,000	$560,700

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

Approved March 27, 1987.

CHAPTER 155
(H.B. No. 325)

AN ACT
EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE AUDITOR FOR FISCAL YEAR 1988, 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, 1987, through June 30, 1988:

FOR:	
Auditing and Accounting	$ 861,900
Social Security	131,600
Data Center	2,850,800
Financial Improvement Practices	151,200
TOTAL	$3,995,500
FROM:	
General Account	$1,983,200
Social Security Trust Account	8,000
Interagency Billing and Receipts Account	2,004,300
TOTAL	$3,995,500

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. AUDITING AND ACCOUNTING:					
FROM:					
General Account	$ 658,500	$ 171,800	$ 4,400	$6,700	$ 841,400
Interagency Billing and Receipts Account			20,500		20,500
TOTAL	$ 658,500	$ 171,800	$ 24,900	$6,700	$ 861,900
II. SOCIAL SECURITY:					
FROM:					
General Account	$ 109,400	$ 13,700	$ 500		$ 123,600
Social Security Trust Account		8,000			8,000
TOTAL	$ 109,400	$ 21,700	$ 500		$ 131,600
III. DATA CENTER:					
FROM:					
General Account		$ 867,000			$ 867,000
Interagency Billing and Receipts Account	$1,429,000	328,200	$226,600		1,983,800
TOTAL	$1,429,000	$1,195,200	$226,600		$2,850,800
IV. FINANCIAL IMPROVEMENT PRACTICES:					
FROM:					
General Account	$ 41,200	$ 110,000			$ 151,200
GRAND TOTAL	$2,238,100	$1,498,700	$252,000	$6,700	$3,995,500

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 March 27, 1987.

CHAPTER 156
(H.B. No. 326)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF FINANCE FOR FISCAL YEAR 1988.

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, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Finance Administration Account	$1,192,300	$289,500	$6,100	$1,487,900

Approved March 27, 1987.

CHAPTER 157
(S.B. No. 1032)

AN ACT

RELATING TO PROCEEDINGS IN THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT; AMENDING SECTION 19-3941, IDAHO CODE, TO INCREASE THE MAXIMUM AMOUNT OF BAIL THAT A PARTY APPEALING A DECISION OF THE MAGISTRATE'S DIVISION OF THE DISTRICT COURT MUST POST.

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

SECTION 1. That Section 19-3941, Idaho Code, be, and the same is hereby amended to read as follows:

19-3941. BAIL PENDING APPEAL. The party appealing may, at any time thereafter, if he desires to be released from custody during the

pendency of the appeal, or desires a stay of proceedings under the judgment until the appeal be disposed of, enter into a recognizance, with two (2) sufficient sureties to be approved by the judge or justice, in an amount to be fixed by the judge or justice, but not exceeding ~~$500~~ one thousand dollars ($1,000) in any case, for the payment of any judgment, fine and costs that may be awarded against him on the appeal, and that he will faithfully prosecute the same and render himself in execution of any judgment or order rendered or entered against him in the district court.

Approved March 27, 1987.

CHAPTER 158
(S.B. No. 1050)

AN ACT

RELATING TO THE ADJUDICATION OF WATER RIGHTS; AMENDING SECTION 42-1412, IDAHO CODE, BY THE ADDITION OF A PROVISION FOR ENTRY OF A FINAL DECREE; AMENDING SECTION 42-1417, IDAHO CODE, TO PROVIDE FOR THE INTERIM ADMINISTRATION OF WATER RIGHTS BASED UPON A PARTIAL DECREE, THE DIRECTORS REPORT OR COURT ORDER; AND AMENDING SECTION 42-238a, IDAHO CODE, TO CLARIFY WHERE FEES ARE TO BE DEPOSITED.

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

SECTION 1. That Section 42-1412, Idaho Code, be, and the same is hereby amended 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 partial 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 partial 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) Upon resolution of all objections and entry of partial decree(s) pursuant to subsection (8) of this section and entry of a partial decree for unobjected claims pursuant to subsection (9) of this section, the director shall combine all partial decrees into a final decree and submit the final decree to the district court for approval.

(11) 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 2. That Section 42-1417, Idaho Code, be, and the same is hereby amended 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; and

(d) in accordance with applicable partial decree(s).

(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 the report is modified by the court's order, and in accordance with any partial decree(s), 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 3. That Section 42-238a, Idaho Code, be, and the same is hereby amended to read as follows:

42-238a. WATER ADMINISTRATION ~~FUND~~ ACCOUNT. There is hereby created in the state treasury a special ~~fund~~ account known as the water administration ~~fund~~ account. All fees and other moneys collected by the director of the department of water resources pursuant to sections 42-221, 42-237g, 42-238, ~~42-1414,~~ 42-1713, 42-3905, 42-4003, and 42-4011, Idaho Code, shall be deposited in the water administration ~~fund~~ account. All moneys deposited in the water administration ~~fund~~ account are hereby appropriated to the director for the purpose of the administration of the provisions of title 42, Idaho Code, and no moneys received in the ~~fund~~ account shall be disbursed by the state treasurer unless the voucher for such disbursement contains the certificate of the director that such voucher is for an expense incurred in the administration of the provisions of title 42, Idaho Code.

Approved March 27, 1987.

CHAPTER 159
(S.B. No. 1057, As Amended)

AN ACT

RELATING TO GENERAL POWERS AND DUTIES OF THE FISH AND GAME COMMISSION; AMENDING SECTION 36-104, IDAHO CODE, TO PROVIDE THAT THE FISH AND GAME COMMISSION MAY PRESCRIBE RULES AUTHORIZING THE DIRECTOR OF THE DEPARTMENT OF FISH AND GAME TO ISSUE ADDITIONAL CONTROLLED HUNT PERMITS AUTHORIZING OWNERS, LESSEES IN CONTROL OF LAND VALUABLE FOR HABITAT OR PROPAGATION PURPOSES OF CERTAIN GAME ANIMALS, OR MEMBERS OF THEIR IMMEDIATE FAMILIES TO HUNT DEER, ELK OR ANTELOPE IN CONTROLLED HUNT UNITS CONTAINING THE ELIGIBLE LAND OWNED OR CONTROLLED BY THOSE INDIVIDUALS WHERE PERMITS FOR DEER, ELK OR ANTELOPE ARE LIMITED.

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 67-5203, 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. (A) 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.

(B) The commission may, under rules and regulations as it may prescribe, authorize the director to issue additional controlled hunt permits and collect fees therefore authorizing owners, lessees in control of land valuable for habitat or propagation purposes of deer, elk or antelope, or members of their immediate families, to hunt ~~on land~~ deer, elk or antelope in controlled hunt units containing the eligible land owned or controlled by those individuals in areas where permits for deer, elk~~,~~ or antelope are limited.

(C) 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 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 demonstra-

tion 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.

11. Capture, propagate, transport, buy, sell or exchange any species of wildlife needed for propagation or stocking purposes, or to exercise control of undesirable species.

1~~1~~2. 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.

Approved March 27, 1987.

CHAPTER 160
(S.B. No. 1061)

AN ACT

RELATING TO PARKS; AMENDING CHAPTER 42, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-4238, IDAHO CODE, PROVIDING FOR AGREEMENTS WITH ORGANIZATIONS CREATED FOR THE PURPOSE OF PROVIDING INTERPRETIVE SERVICES TO RECREATIONAL FACILITIES IN IDAHO, PROVIDING THE DIRECTOR OF THE IDAHO DEPARTMENT OF PARKS AND RECREATION AUTHORITY TO ENTER INTO THESE AGREEMENTS, LIMITING THE SCOPE OF THESE AGREEMENTS, AND PROVIDING FOR RULEMAKING AUTHORITY.

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

SECTION 1. That Chapter 42, 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 67-4238, Idaho Code, and to read as follows:

67-4238. AUTHORITY OF DIRECTOR TO ENTER INTO AGREEMENTS. (1) In order to further the interpretive and educational functions of recreation facilities in the state of Idaho, the director of the Idaho department of parks and recreation may on behalf of the department, enter into agreements with private nonprofit scientific, historic or educational organizations organized in whole or in part for the purpose of providing interpretive services to recreation facilities in Idaho.

(2) An organization entering into an agreement with the director under subsection (1) of this section may:

(a) Provide educational or interpretive material for sale at a recreation facility;

(b) Acquire display materials and equipment for exhibits at a recreation facility;

(c) Provide support for special recreation facility interpretive programs or environmental education programs;

(d) Support recreation facility libraries;

(e) Provide support for other interpretive projects related to a specific recreation facility.

(3) If the director enters into an agreement with a private organization under subsection (1) of this section, the Idaho department of parks and recreation may:

(a) Provide incidental personnel services to the organization's interpretive program; and

(b) Provide space at a recreation facility for the interpretive materials provided by the organization.

(4) Any money received from the sale of publications or other materials provided by an organization pursuant to an agreement entered into under this section shall be retained by the organization for use in the interpretive or educational services of the recreation facility for which the organization provides interpretive services.

(5) As used in this section, "recreation facility" includes, but

is not limited to, state parks and all recreational, historical and scenic attractions owned or under the control of the state of Idaho and administered by the Idaho department of parks and recreation.

(6) The Idaho department of parks and recreation board shall adopt rules and regulations necessary to carry out the purpose of this section. The rules shall include but need not be limited to:

(a) Procedures and forms to be used by an organization desiring to enter into an agreement with the director under this section.

(b) Guidelines for approving the interpretive material an organization proposes to provide to a recreation facility; and

(c) Provisions for renewing or dissolving an agreement between an organization and the director.

Approved March 27, 1987.

CHAPTER 161
(S.B. No. 1006, As Amended)

AN ACT

RELATING TO COMPETITIVE BIDDING; AMENDING SECTION 50-341, IDAHO CODE, TO PROVIDE THAT A CITY MAY PURCHASE EQUIPMENT AT A PUBLIC AUCTION IF THE COUNCIL HAS MADE A FINDING THAT SUCH EQUIPMENT MAY BE PURCHASED AT A LOWER PRICE.

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

SECTION 1. That Section 50-341, Idaho Code, be, and the same is hereby amended to read as follows:

50-341. COMPETITIVE BIDDING -- APPLICATION OF LAW. A. The following provisions relative to competitive bidding apply to all cities of the state of Idaho, but shall be subject to the provisions of any specific statute pertaining to the letting of any contract, purchase or acquisition of any commodity or thing by soliciting and receiving competitive bids therefor, and shall not be construed as modifying or amending the provisions of any statute, nor preventing the city from doing any work by its own employees.

B. The word "expenditure" shall mean the granting of a contract, franchise or authority to another by the city, and every manner and means whereby the city disburses funds or obligates itself to disburse funds; provided, however, that "expenditure" does not include disbursement of funds to any city employee, official, agent, or for the performance of personal services to the city, or for the acquisition of personal property through a contract that has been competitively bid by the state of Idaho, one of its subdivisions or an agency of the federal government.

C. When the expenditure contemplated exceeds five thousand dollars ($5,000), or ten thousand dollars ($10,000) if for equipment, the expenditure shall be contracted for and let to the lowest respon-

sible bidder.

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

E. All bids shall be presented or otherwise delivered under sealed cover to the city clerk, or other bonded agent of the city designated by the city council to receive specific bids, with a concise statement marked on the outside generally identifying the expenditure to which the bid pertains. All bids shall contain one (1) of the following forms of bidder's security:

a. Cash;

b. Cashier's check made payable to the city;

c. A certified check made payable to the city;

d. A bidder's bond executed by a qualified surety company, made payable to the city.

F. The security shall be an amount equal to at least five per cent (5%) of the amount bid. A bid shall not be considered unless one (1) of the forms of bidder's security is inclosed with it, and unless the bid is submitted in a form which substantially complies with the form provided by the city.

G. Any bid received by the city may not be withdrawn after the time set in the notice for opening of bids. All bids received must be opened at the time and place set in the notice inviting bids, and no person shall be denied the right to be present at the opening of bids.

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

I. The city may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest responsible bidder, the amount of the lowest responsible bidder's security shall be applied by the city to the difference between the lowest responsible bid and the next lowest responsible bid, and the surplus, if any, shall be returned to the lowest bidder if cash or check is used, or to the surety on the bidder's bond if a bond is used.

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

K. After rejecting bids, the city council may, after finding it to be a fact, pass a resolution declaring that the thing sought to be accomplished by the expenditure can be performed more economically by

day labor, or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the thing sought to be accomplished done in the manner stated without further compliance with this section.

L. If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, or it is necessary to do emergency work to safeguard life, health or property, the mayor or city manager may declare that an emergency exists and that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon making the declaration, any sum required in the emergency may be expended without compliance with this section.

M. In its discretion, the city council may purchase equipment at a public auction if the council has made a finding that such equipment may be purchased at a lower price.

Approved March 27, 1987.

CHAPTER 162
(S.B. No. 1096)

AN ACT

RELATING TO THE DEPOSIT AND INVESTMENT OF CITY FUNDS; AMENDING SECTION 50-1013, IDAHO CODE, TO STRIKE REFERENCE TO A LIMITATION ON INVESTMENTS IN REPURCHASE AGREEMENTS, AND TO PERMIT INVESTMENT IN ADDITIONAL INSTRUMENTS.

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 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) 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.

(k) Tax anticipation bonds or notes, income and revenue anticipation bonds or notes and registered warrants of the state of Idaho or of taxing districts of the state of Idaho.

(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.

(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.

(mn) 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.

(o) Prime banker's acceptances.

(p) Prime commercial paper.

(q) Money market funds, mutual funds, or any other similar funds whose portfolios consist of any allowed investment as specified in this section.

Approved March 27, 1987.

CHAPTER 163
(S.B. No. 1171)

AN ACT

RELATING TO AN IDAHO COMMISSION ON HISPANIC AFFAIRS; AMENDING TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 72, TITLE 67, IDAHO CODE, TO CREATE AN IDAHO COMMISSION ON HISPANIC AFFAIRS AND TO PROVIDE FOR THE APPOINTMENT AND TERMS OF MEMBERS, TO PROVIDE FOR ORGANIZATION OF THE COMMISSION AND COMPENSATION FOR THE MEMBERS, TO PROVIDE STAFFING FOR THE COMMISSION, TO REQUIRE STATE AGENCIES, DEPARTMENTS AND POLITICAL SUBDIVISIONS TO COOPERATE WITH THE COMMISSION, TO PROVIDE POWERS AND DUTIES OF THE COMMISSION, AND TO PROVIDE 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 72, Title 67, Idaho Code, and to read as follows:

CHAPTER 72
COMMISSION ON HISPANIC AFFAIRS

67-7201. COMMISSION CREATED -- APPOINTMENT OF MEMBERS. There is hereby created the Idaho Commission on Hispanic Affairs, hereafter referred to as the commission. The commission shall consist of nine (9) members, two (2) to be appointed by the president pro tempore of the senate from the members of the senate; two (2) to be appointed by the speaker of the house of representatives from the members of the house; and five (5) public members to be selected from the Hispanic community who reside in and represent the various geographical areas of the state which contain a significant Hispanic population. The five (5) public members shall be appointed by the governor. Of the five (5) public members first to be appointed, two (2) shall be appointed for a term of one (1) year, two (2) shall be appointed for a term of two (2) years and one (1) shall be appointed for a term of three (3) years. The governor shall specify the term of each public member when making the initial appointments. All initial appointments shall commence on July 1, 1987. All subsequent terms shall be for three (3) years. Vacancies shall be filled in the same manner as the original appointments and for the balance of the unexpired term.

67-7202. ORGANIZATION OF COMMISSION. The commission shall meet not more than four (4) times a year. The commission shall elect a chairperson and a vice chairperson and other officers from its members as it deems advisable. Five (5) members constitute a quorum. Commission members shall be compensated as provided in section 59-509(g), Idaho Code. Emergency sessions may be called by a two-thirds (2/3) majority of the commissioners.

67-7203. RESOURCES AND STAFFING. The commission shall secure resources from public and private sources and shall have the authority to hire staff when resources are available to support personnel. The commission shall utilize talent, expertise, and resources within the state, and especially that of the university system, to whatever extent practical.

67-7204. STATE DEPARTMENTS, AGENCIES AND POLITICAL SUBDIVISIONS TO COOPERATE. The commission may procure information and assistance from the state or any political subdivision thereof, or any state department or agency. All agencies, officers, and political subdivisions of the state shall give the commission all relevant information and assistance on any matters of research within their knowledge or control.

67-7205. POWERS AND DUTIES OF THE COMMISSION. The commission shall have the following powers and duties:

(1) To gather and disseminate information and conduct hearings, conferences, investigations, and special studies on problems and programs concerning Hispanic people;

(2) To stimulate public awareness of the problems of Hispanic people by conducting a program of public education;

(3) To develop, coordinate, and assist other public and private organizations that serve Hispanic people, including the conducting of training programs for community leadership;

(4) To advise the governor, legislature and state departments and agencies of the nature, magnitude, and priorities of the problems of Hispanic people;

(5) To advise the governor, legislature and state departments and agencies on, and assist in the development and implementation of, comprehensive and coordinated policies, programs, and procedures focusing on the special problems and needs of Hispanic people, fields of education, and employment;

(6) To propose new programs concerning Hispanic people to public and private agencies and evaluate for such agencies existing programs or prospective legislation concerning Hispanic people;

(7) To establish advisory committees on special subjects or projects;

(8) To apply for and accept federal funds granted by congress or executive order for all or any of the purposes of this chapter as well as gifts and donations from individuals, corporations, private organizations or foundations, and to accept volunteer clerical or staff work;

(9) To cooperate or contract with individuals and state, local and other agencies, both public and private, including agencies of the federal government and of other states;

(10) To meet and exercise its powers at any place within the state;

(11) To make bylaws for its own governance and procedure not inconsistent with the laws of this state.

67-7206. COMMISSION TERMINATED. The provisions of this chapter

shall be null and void and without effect after June 30, 1990.

Approved March 27, 1987.

CHAPTER 164
(S.B. No. 1093)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1309, IDAHO CODE, TO PROVIDE THAT THE COST FOR INCLUDING EMPLOYEES OF A POLITICAL SUBDIVISION'S ENTRANCE INTO THE RETIREMENT SYSTEM BE DETERMINED AND THE COST PAID BY THE EMPLOYER PRIOR TO ADMISSION INTO THE SYSTEM; AMENDING SECTION 59-1310, IDAHO CODE, TO CLARIFY THAT THE SERVICE RETIREMENT RATIO USED TO DETERMINE RETIREMENT ELIGIBILITY SHALL BE THAT RATIO COMPUTED AT THE TIME OF RETIREMENT; AMENDING SECTION 59-1314, IDAHO CODE, TO PROVIDE THAT AN INACTIVE MEMBER SEPARATED FROM EMPLOYMENT WITH AN EMPLOYER AND REEMPLOYED OR REINSTATED BY THAT SAME EMPLOYER WITHIN THIRTY DAYS IS NOT ELIGIBLE TO RECEIVE A SEPARATION BENEFIT; AMENDING SECTION 59-1332, IDAHO CODE, TO CLARIFY THAT CONTRIBUTIONS RECEIVED FROM EMPLOYERS ARE DUE AND PAYABLE NOT LATER THAN THE TWENTIETH DAY OF THE MONTH ALONG WITH WHATEVER CONTRIBUTIONS OR CONTRIBUTION CREDITS MAY BE NECESSARY TO CORRECT PREVIOUS ERRORS OR OMISSIONS AND TO PROVIDE THAT INTEREST PENALTY FOR LATE PAYMENT MAY BE CHARGED BY THE RETIREMENT BOARD; REPEALING SECTION 59-1338, IDAHO CODE; AND REPEALING SECTION 59-1342, IDAHO CODE.

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

SECTION 1. That Section 59-1309, Idaho Code, be, and the same is hereby amended to read as follows:

59-1309. PROCEDURE FOR EMPLOYEES OF POLITICAL SUBDIVISIONS TO BE INCLUDED IN RETIREMENT SYSTEM. A political subdivision not participating in the system may, through its governing body, notify the board in writing that it elects to include its employees in the system. The board shall make a study and estimate the cost of including such employees in the system. Upon completion of the study and under the condition that the excess cost, if any, to include the employees as active members is paid upon admission, the political subdivision may apply for admission to the system. Thereupon the board may upon such terms, not inconsistent with this act, as are set forth in a contract between the board and the ~~employer~~ political subdivision, integrate said ~~employer~~ political subdivision, and its employees into the system established by this act effective on the date of notice of election or later unless otherwise prohibited by law. The contract shall have no effect, however, until notice and hearing regarding it is afforded to such employees. Such contract shall provide for the appropriate funding of accrued benefits under any existing retirement program at the

time the ~~employer~~ political subdivision is admitted to the system.

SECTION 2. That Section 59-1310, Idaho Code, be, and the same is hereby amended to read as follows:

59-1310. CONDITIONS OF ELIGIBILITY FOR RETIREMENT. (1) An active member with at least five (5) years of credited service including six (6) months of membership service is eligible for service retirement as indicated below, based upon his service retirement ratio. A member's service retirement ratio shall, at retirement, be equal to the ratio of (a) to (b) as follows:

(a) The number of years of credited service for which the member was classified as a police officer or fireman:

(b) The member's total number of years of credited service.

For service retirement ratio:	Service retirement eligibility age is:
0.000 to 0.100	65
0.101 to 0.300	64
0.301 to 0.500	63
0.501 to 0.700	62
0.701 to 0.900	61
0.901 to 1.000	60

A person who was an active member on June 30, 1985 shall be deemed to have a service retirement ratio of 1.000 either if the member was a police officer or fireman on that date and continuously thereafter to retirement or if at the time of retirement the majority of the member's credited service has been that of a police officer or fireman.

(2) An active member who is not eligible for service retirement is eligible for disability retirement if he becomes disabled after at least ten (10) years of credited service including six (6) months of membership service.

(3) An active member who is not eligible for either service retirement or disability retirement is eligible for early retirement if he has at least five (5) years of credited service including six (6) months of membership service and is within ten (10) years of being eligible for service retirement. Additionally an active member is eligible for early retirement on termination of disability retirement as provided by section 59-1313, Idaho Code.

(4) An inactive member who has at least five (5) years of membership service is eligible for vested retirement within ten (10) years of the date he would have been eligible for service retirement had he remained an active member, except that an inactive member, who at the time of his separation from service held an office to which he had been elected by popular vote or having a term fixed by the constitution, statute or charter or was appointed to such office by an elected official or was the head or director of a department, division, agency, statutory section or bureau of the state, or was employed on or after July 1, 1965 by an elected official of the state of Idaho and occupied a position exempt from the provisions of chapter 53, title 67, Idaho Code, is eligible for vested retirement regardless of length and type of service, unless covered by a merit system for employees of

the state of Idaho.

(5) An inactive member who is not eligible for service retirement is eligible for the separation benefit.

(6) The beneficiary of any member other than a retired member who elected option 1 or 2 under section 59-1317, Idaho Code, is eligible for the death benefit, if any, upon the member's death.

(7) By written notice on a form prescribed by the board, eligibility for early or vested retirement may be deferred by a member until the date he would have been eligible for service retirement had he remained an active member.

SECTION 3. That Section 59-1314, Idaho Code, be, and the same is hereby amended to read as follows:

59-1314. SEPARATION BENEFITS. The separation benefit, if any, shall become payable upon the written request of an inactive member who has been separated from employment with an employer and who is not reemployed or reinstated by that same employer within thirty (30) days or, if the inactive member has less than five (5) years of membership service and has not previously so requested and is not a person who at the time of his separation from service held an office to which he had been elected by popular vote or having a term fixed by the Constitution, statute or charter or was appointed to such office by an elected official or was the head or director of a department, division, agency or statutory section or bureau of the state, shall be payable automatically ten (10) years after the person becomes an inactive member.

SECTION 4. That Section 59-1332, Idaho Code, be, and the same is hereby amended to read as follows:

59-1332. EMPLOYER REMITTANCE TO BOARD -- COLLECTION OF DELINQUENCIES. (1) ~~Between the first and~~ So as to be received not later than the twentieth day of each month ~~for those officers and employees paid monthly,~~ each employer, or, where the employer's payroll is paid separately by departments, each department of ~~each~~ the employer, shall remit to the retirement board all contributions required of it and its employees on the basis of salaries paid by it during the previous month with whatever contributions or contribution credits may be required to correct previous errors or omissions. These remittances shall be accompanied by such reports as are required by ~~rules--of~~ the board to determine contributions required and member benefit entitlements established under this act. The board may charge regular interest for remittances received after the twentieth of the month at the rate of interest provided in section 28-22-104(1), Idaho Code.

~~By the end of the succeeding payroll period for those officers and employees paid on other than a monthly period, each employer, or, where the employer's payroll is paid separately by departments, each department of each employer, shall remit to the retirement board all contributions required of it and its employees on the basis of salaries paid by it during the previous payroll period. These remittances shall be accompanied by such reports as are required by rules of the board.~~

(2) If any employer shall fail or refuse to remit any such contributions within thirty (30) days after the date due, the board may certify to the state auditor the fact of such failure or refusal and the amount of the delinquent contribution or contributions, together with its request that such amount be set over from funds of the delinquent employer to the credit of the retirement fund. A copy of such certification and request shall be furnished the delinquent employer.

(3) Within ten (10) days after receipt of such request, the state auditor shall draw his warrant for payment of such amount out of moneys in the state treasury allocated to the use of such employer during the current fiscal year.

SECTION 5. That Section 59-1338, Idaho Code, be, and the same is hereby repealed.

SECTION 6. That Section 59-1342, Idaho Code, be, and the same is hereby repealed.

Approved March 27, 1987.

CHAPTER 165
(S.B. No. 1125, As Amended)

AN ACT

RELATING TO REAL ESTATE HOLDINGS OF BANKS; AMENDING SECTION 26-711, IDAHO CODE, TO PROVIDE A TEN YEAR HOLDING PERIOD FOR REAL ESTATE ACQUIRED IN SATISFACTION OF INDEBTEDNESS OR AS SALE ON JUDGMENTS, DECREES OR FORECLOSURE WITH AN ANNUAL WRITE DOWN DURING EACH OF THE LAST FIVE YEARS IT IS HELD.

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

SECTION 1. That Section 26-711, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

(3) Such as it shall purchase at sale on judgments, decrees, mortgage foreclosure or trustees sale for debts previously contracted, but a bank shall not bid at such sale a larger amount than is necessary to satisfy all debts and costs necessary to obtain clear title.

Such real estate shall be carried on the books of the bank at the lower of cost or market value. Market value shall be determined by a current appraisal prepared by an independent qualified appraiser approved by the director. Thereafter, but no more frequently than annually, the director may in his discretion request that the bank obtain from an independent qualified appraiser approved by the director, a further appraisal of market value or certification by the appraiser that the market value has not declined.

(4) No real estate acquired ~~after the effective date of this act under subsections (2) and (3) of this section shall be held for a longer time than five (5) years, unless an extension is granted by the director, provided that within the five (5) year period the bank must make good faith efforts to sell such property and, notwithstanding the director's approval, the bank must dispose of such property within seven (7) years.~~ under subsections (2) and (3) of this section may be held for a longer period than five (5) years, provided, however, that upon application by the bank, the director shall approve the continued holding of any such real estate by the bank for an additional period of five (5) years upon the bank's showing of its good faith attempt to dispose of the real estate within the first five (5) year period, or that disposal within the first five (5) year period would be detrimental to the bank; and provided further that the bank shall, during the second five (5) year period, at the end of each year beginning at the end of the sixth year in which the property is held, write down the value of such real estate by twenty percent (20%) of the value at which such real estate is carried on its books at the beginning of the second five (5) year period. Value at the beginning of the second five (5) year period shall be the lower of cost or market value as determined pursuant to appraisal as provided in subsection (3) of this section. Nothing in this section shall be construed to prevent a bank from making loans secured by real estate as provided in this act, or a trust department holding and conveying real estate in trust.

(5) A bank may, with the approval of the director and the board of governors of the Federal Reserve System or the Federal Deposit Insurance Corporation invest in bank premises or in the stock, bonds, debentures, or other obligations of any corporation holding the banking buildings, lots and furniture, fixtures and equipment of such bank in an amount not to exceed the capital and surplus of the bank.

Approved March 27, 1987.

CHAPTER 166
(S.B. No. 1138)

AN ACT

RELATING TO THE FORECLOSURE OF DEEDS OF TRUST BY POWER OF SALE; AMENDING SECTION 45-1506A, IDAHO CODE, TO REQUIRE NOTICE OF A RESCHEDULED SALE AT LEAST THIRTY DAYS PRIOR TO THE DATE OF THE RESCHEDULED SALE AND TO PROVIDE FOR RECORDING A REQUEST FOR NOTICE

OF THE SALE AT LEAST FORTY-FIVE DAYS PRIOR TO THE RESCHEDULED SALE DATE.

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

SECTION 1. That Section 45-1506A, Idaho Code, be, and the same is hereby amended to read as follows:

45-1506A. RESCHEDULED SALE -- ORIGINAL SALE BARRED BY STAY -- NOTICE OF RESCHEDULED SALE. (1) In the event a sale cannot be held at the time scheduled by reason of automatic stay provisions of the U.S. bankruptcy code (11 U.S.C. 362), or a stay order issued by any court of competent jurisdiction, then the sale may be rescheduled and conducted following expiration or termination of the effect of the stay in the manner provided in this section.

(2) Notice of the rescheduled sale shall be given at least thirty (30) days before the day of the rescheduled sale by registered or certified mail to the last known address of all persons who were entitled to notice by mail of the original sale and to any person who shall have recorded a request for notice of sale at least ~~thirty~~ forty-five (~~30~~45) days prior to the rescheduled sale date in the form and manner ~~pursuant to~~ required by section 45-1511, Idaho Code, provided that recording the request prior to notice of default is, for the purposes of this section only, waived.

(3) Notice of the rescheduled sale shall be published in the newspaper of original publication once a week for three (3) successive weeks, making three (3) publishings in all, with the last publication to be at least ten (10) days prior to the day of sale.

(4) The trustee shall make an affidavit stating that he or she has complied with subsections (2) and (3) of this section. The trustee shall make the above affidavit available for inspection at the time of the rescheduled sale together with any affidavit of mailing and posting, when required, which was not of record as required by subsection (7) of section 45-1506, Idaho Code, when the stay became effective. The affidavit or affidavits shall be attached to or incorporated in the trustee's deed.

Approved March 27, 1987.

CHAPTER 167
(S.B. No. 1144)

AN ACT

RELATING TO ABSENTEE BALLOTS; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE WHEN AN APPLICATION FOR AN ABSENTEE BALLOT MAY BE FILED, AND TO PROVIDE THAT A FEDERAL POSTCARD APPLICATION SHALL BE CONSIDERED A REQUEST FOR ABSENTEE BALLOTS FOR BOTH THE PRIMARY AND GENERAL ELECTION IF RECEIVED BEFORE THE PRIMARY ELECTION.

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

SECTION 1. That Section 34-1002, Idaho Code, be, and the same is hereby amended to read as follows:

34-1002. APPLICATION FOR ABSENTEE BALLOT. Any registered elector may make written application to the county clerk, or other proper officer charged by law with the duty of issuing official ballots for such election, for an official ballot or ballots of the kind or kinds to be voted at the election. The application shall contain the name of the elector, his home address, county, and address to which such ballot shall be forwarded. The application for absentee ballot of an elector registered according to the provisions of section 34-410A, Idaho Code, shall contain the name of the elector, his former address in the county, and the address to which such ballot shall be forwarded.

The application for an absent elector's ballot shall be signed personally by the applicant. The application shall be filed with the county clerk not later than 5:00 P.M. on the day before the election ~~nor--earlier--than-sixty-(60)-days-before-the-election~~. In the event a registered elector is unable to vote in person at his designated polling place on the day of election because of an emergency situation which rendered him physically unable, he may nevertheless apply for an absent elector's ballot on the day of election by notifying the county clerk. No person, may, however, be entitled to vote under an emergency situation unless the situation claimed rendered him physically unable to vote at his designated polling place within forty-eight (48) hours prior to the closing of the polls.

A person in the United States service may make application for an absent elector's ballot by use of a properly executed federal post card application as provided for in the laws of the United States known as "Federal Voting Assistance Act of 1955." A properly executed federal postcard application (F.P.C.A.), if received prior to the primary election, shall be considered as a request for an absent elector's ballot for both the primary and general election. The issuing officer shall keep as a part of the records of his office a list of all applications so received and of the manner and time of delivery or mailing to and receipt of returned ballot.

Approved March 27, 1987.

CHAPTER 168
(S.B. No. 1034, As Amended)

AN ACT

RELATING TO LIMITATION OF POLITICAL ACTIVITY BY STATE EMPLOYEES; AMENDING SECTION 67-5311, IDAHO CODE, TO EXPRESSLY ALLOW A STATE EMPLOYEE TO RUN FOR A NONPARTISAN OFFICE AND TO ALLOW STATE EMPLOYEES TO PARTICIPATE IN THE MANAGEMENT OF POLITICAL ORGANIZATIONS.

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

SECTION 1. 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 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; or

(c) Be a candidate and hold elective office in any partisan election.

~~(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 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) Be a candidate and hold elective office in any nonpartisan election;

(m) Take an active part in political organization management; and

(n) 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 the employee's administration of state functions.

Approved March 27, 1987.

CHAPTER 169
(S.B. No. 1150)

AN ACT

RELATING TO THE COUNTY OPTION KITCHEN AND TABLE WINE ACT; PROVIDING A SHORT TITLE; AMENDING SECTION 23-1303, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 23-1306, IDAHO CODE, TO PROVIDE THAT A WINERY SHALL BE CONSIDERED A DISTRIBUTOR FOR THE PURPOSE OF SELLING DOMESTIC PRODUCED PRODUCT PROCESSED AND BOTTLED BY OR FOR THAT WINERY; AMENDING SECTION 23-1307, IDAHO CODE, TO PROVIDE THAT LICENSED WINERIES WHICH DO NOT SELL WINE BY THE DRINK SHALL NOT BE REQUIRED TO POSSESS A RETAIL BEER LICENSE AS A PREREQUISITE TO A RETAIL WINE LICENSE; AMENDING SECTION 23-1308A, IDAHO CODE, TO PROVIDE THAT A WINERY SHALL NOT BE DISQUALIFIED FROM LICENSURE AS A DISTRIBUTOR FOR THE PURPOSE OF DISTRIBUTING ITS OWN DOMESTIC PRODUCED PRODUCT PROCESSED AND BOTTLED BY OR FOR THAT WINERY; AMENDING SECTION 23-1328, IDAHO CODE, TO ALLOW WINERIES TO SELL A DOMESTIC PRODUCED PRODUCT PROCESSED AND BOTTLED BY OR FOR THAT WINERY; AND AMENDING SECTION 23-1332, IDAHO CODE, TO PROVIDE THAT CERTAIN WINERIES MAY PROVIDE SAMPLES OF TWO OUNCES OF WINE OR LESS.

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

SECTION 1. SHORT TITLE. This act shall be known as the "Idaho Farm Winery Act."

SECTION 2. That Section 23-1303, Idaho Code, be, and the same is hereby amended to read as follows:

23-1303. DEFINITIONS. The following terms as used in this ~~act~~ chapter are hereby defined as follows:

(a) "Wine" shall mean any alcoholic beverage containing not more than fourteen per cent (14%) alcohol by volume obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing sugar whether or not other ingredients are added.

(b) "Director" means the director of the department of law enforcement of the state of Idaho.

(c) "Retail wine license" means a license issued by the director, authorizing a person to sell wine at retail for consumption off the licensed premises.

(d) "Wine distributor's license" means a license issued by the director to a person authorizing such person to distribute wine to retailers within the state of Idaho.

(e) "Wine importer's license" means a license issued by the director to a person authorizing such person to import wine into the state of Idaho and to sell and distribute wine to a distributor.

(f) "Retailer" means a person to whom a retail wine license has

been issued.

(g) "Distributor" means a person to whom a wine distributor's license has been issued.

(h) "Importer" means a person to whom a wine importer's license has been issued.

(i) "Winery" means a place, premise or establishment within the state of Idaho for the manufacture or bottling of wine for sale.

(j) "Winery license" means a license issued by the director authorizing a person to maintain a ~~place,--premise--or--establishment within--the-state-of-Idaho-for-the-manufacture-or-bottling-of-wine-for sale~~ winery.

(k) "Vintner" means a person who manufactures, bottles, or sells wine to importers for resale within this state other than a licensed "winery" as herein defined.

(l) "Person" includes an individual, firm, copartnership, association, corporation, or any group or combination acting as a unit, and includes the plural as well as the singular unless the intent to give a more limited meaning is disclosed by the context in which it is used.

(m) "Wine-by-the drink license" means a license to sell wine by the individual glass or opened bottle at retail, for consumption on the premises only.

(n) "Domestic produced product" means wine at least seventy-five percent (75%) of which by volume is derived from fruit or agricultural products grown in Idaho.

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

SECTION 3. That Section 23-1306, Idaho Code, be, and the same is hereby amended to read as follows:

23-1306. LICENSES REQUIRED -- APPLICATION -- ISSUANCE OR REFUSAL. Before any person shall manufacture, import into this state, manufacture, bottle or broker for resale within this state, possess for resale, or distribute or sell wine within the state of Idaho, he shall apply to the director for a license to so do. The application form shall be prescribed and furnished by the director and require that the applicant therein show that he possesses all of the qualifications and none of the disqualifications of a licensee. A person may apply for and receive a license as both a distributor and importer, if otherwise qualified therefor, and shall pay the license fee required pursuant to this ~~act~~ chapter for each license. A winery licensed under this chapter shall also be considered as holding, for the purposes of selling a domestic produced product processed and bottled by or for that winery, a current wine distributor's license, without further application or fee. If the director is satisfied that the applicant possesses the qualifications and none of the disqualifications for such license, he shall issue a license for each classification applied for, subject to the restrictions of and upon the conditions specified in this act. The license or licenses issued shall be at all times prominently displayed in the place of business of the licensee. If the

director determines that the applicant is not properly qualified, he shall refuse to issue a license and shall forthwith so notify the applicant and shall return to the applicant with such notification, three-fourths (3/4) of the license fee remitted with the application. A separate retail wine by the drink license, and wine distributor's license shall be required for each premises. Provided, however, nothing herein shall prohibit a distributor or retailer or wine by the drink licensee from possessing licenses for more than one (1) premises.

SECTION 4. That Section 23-1307, Idaho Code, be, and the same is hereby amended to read as follows:

23-1307. QUALIFICATIONS FOR RETAIL WINE LICENSE, WINE BY THE DRINK LICENSE, AND DISTRIBUTOR'S LICENSE. No retail wine license, wine by the drink license, or wine distributor's license shall be issued to an applicant who at the time of making the application:

(a) If an individual, is not a citizen of the United States and has not resided within the state of Idaho for a period of thirty (30) days immediately prior to making the application;

(b) If a partnership, does not include at least one (1) member thereof who is a citizen of the United States and who has resided within the state of Idaho for a period of at least thirty (30) days;

(c) If a corporation, has not qualified as required by law to do business in the state of Idaho;

(d) Has had a wine distributor's license, retail wine license, wine by the drink license, or wine importer's license, revoked by the director within three (3) years from the date of making such application;

(e) Has been convicted of a violation of the laws of this state or of the United States governing the sale of alcoholic beverages, wine, or beer, within three (3) years from the date of making such application;

(f) Has been convicted of a felony or been granted a withheld judgment following an adjudication of guilt of a felony within five (5) years from the date of making such application;

(g) If an individual or partnership, either the individual or at least one (1) of the partners of a partnership is not nineteen (19) years of age or older;

(h) If the application is for a retail wine license or wine by the drink license, the director finds that the applicant does not possess a retail beer license issued by the director, except that licensed wineries which do not sell wine by the drink shall not be required to possess a retail beer license as a prerequisite to a retail wine license.

SECTION 5. That Section 23-1308A, Idaho Code, be, and the same is hereby amended to read as follows:

23-1308A. QUALIFICATIONS FOR WINERY LICENSE. No winery license shall be issued to an applicant who at the time of making the application:

(a) Has not executed an agreement in writing with the director that such winery and every person employed by it or acting as its agents other than distributors and retailers, will faithfully comply with and observe all the provisions of the laws of the state of Idaho relating to the manufacturing, sale and distribution of wine and all rules and regulations adopted by the director pursuant to this act;

(b) Has had a winery license, a wine distributor's license, retail wine license, wine by-the-drink license or wine importer's license, revoked by the director within three (3) years from the date of making such application;

(c) Is licensed to ~~distribute or to~~ import wine ~~in this state~~ other than a domestic produced product processed and bottled by or for that winery;

(d) Has been convicted of a violation of the laws of this state or of the United States governing the sale of alcoholic beverages, wine, or beer, within three (3) years from the date of making such application;

(e) Has been convicted of a felony or been granted a withheld judgment following an adjudication of guilt of a felony within five (5) years from the date of making such application.

SECTION 6. That Section 23-1328, Idaho Code, be, and the same is hereby amended to read as follows:

23-1328. RETAILER'S NAME ON LABELS PROHIBITED -- DISCRIMINATION AMONG RETAILERS PROHIBITED. No label on a wine container shall be used or placed thereon which indicates that a retailer is the producer or the bottler thereof or which contains the name of a retailer in any manner, except in the case of wineries licensed under this chapter, in which case such winery may ~~sell at retail only wine manufactured and bottled in this state by the licensee~~ sell a domestic produced product processed and bottled by or for that winery upon satisfaction of all terms and conditions of this chapter relating to licensure for retail sale of wine. No distributor shall restrict the sale of wine for which the distributor has filed a price schedule in accordance with the provisions of this act to one retailer or to retail premises under common ownership or associated together in, by, or through a buying organization or agency which represents a common identity to the public; nor shall such distributor refuse to sell or distribute wine to a retailer on terms and conditions different from those terms and conditions upon which said distributor sells or distributes wine to other retailers.

SECTION 7. That Section 23-1332, Idaho Code, be, and the same is hereby amended to read as follows:

23-1332. SALE BY BY-THE-DRINK LIQUOR LICENSEES. Retailers holding valid licenses for the retail sale of liquor by the drink pursuant to chapter 9, title 23, Idaho Code, may sell wine for consumption on or off the licensed premises. Persons holding a valid wine by the drink license may sell wine for consumption on the premises only. Retailers who do not possess a valid license for the retail sale of liquor by

the drink, or retailers who do not have a valid wine by the drink license, shall not permit consumption of wine on the licensed premises and may sell the wine only in its original unbroken container. Provided however, that wineries whose business does not include the sale of wine by the drink may provide free single-serving samples of two (2) ounces or less to customers for the purpose of sales promotion upon the winery premises or upon the premises of a retail wine outlet which retails exclusively the wine product of that winery and which is wholly owned and operated thereby. Wine sold for consumption or dispensed on the licensed premises may be sold, consumed or dispensed only during hours that beer can be sold, consumed or dispensed pursuant to the laws of this state. Wine sold by the retailer for consumption off the premises of the retailer may be sold only during the hours that beer may be sold pursuant to the laws of this state.

Approved March 27, 1987.

CHAPTER 170
(S.B. No. 1182)

AN ACT

RELATING TO THE FINANCING OF MEDICAL CARE FOR THE INDIGENT; AMENDING CHAPTER 8, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-873, IDAHO CODE, TO ESTABLISH A PAYMENT FROM EACH COUNTY TO PROVIDE FUNDING FOR THE EXPANSION OF MEDICAL ASSISTANCE (MEDICAID) BENEFITS AS CODIFIED AT TITLE XIX OF THE SOCIAL SECURITY ACT; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-209d, IDAHO CODE, TO EXPAND MEDICAL ASSISTANCE SERVICES TO BE PROVIDED; AND AMENDING CHAPTER 4, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-460, IDAHO CODE, TO PROVIDE FOR A COUNTY MEDICAL INDIGENCY SUSPENSE ACCOUNT.

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

SECTION 1. That Chapter 8, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-873, Idaho Code, and to read as follows:

31-873. REIMBURSEMENT FOR CERTAIN MEDICAL ASSISTANCE PAYMENTS. (1) For the purpose of assisting counties with their medical indigency claims, state participation in the federal medical assistance (medicaid) program under title XIX of the social security act, as amended, will be expanded by using county funds to match federal funds for coverage of services as defined by section 56-209d, Idaho Code. Each and every county shall reimburse the county medical indigency suspense account as established in chapter 4, title 56, Idaho Code, an

amount as determined by the director of the department of health and welfare or the director's designee.

(2) In making the determination required in subsection (1) of this section, the director of the department of health and welfare shall use the following procedure:

(a) Determine the medical assistance expenditures resulting from nursing home eligibles, drug and inpatient hospital expenditures that would not have been incurred under the standards and limits in effect on June 30, 1987. However, the income limitation in effect on June 30, 1987, shall be assumed to increase each time a cost of living increase is granted under the social security act.

(b) Determine (i) the obligated county using the provisions of section 31-3506, Idaho Code, unless there is a written correspondence signed by the county commissioners of both affected counties, changing the obligated county; and (ii) the total expenditures by county.

(c) Multiply that total by a percentage equal to the nonfederal share percentage as defined by 42 CFR 433.10 plus an additional amount distributed on the basis of payment volume for the actual nonfederal share of administrative costs as determined by the methodology approved by the federal administrative cost allocation plan. In the event federal financial participation (FFP) becomes limited under title XIX of the social security act, full FFP will be applied first to those services and limits in effect before June 30, 1987, with the remainder available for the new services.

(d) Audit settlements made with nursing homes or hospitals for either underpayments or overpayments will be billed or credited to the respective counties on the basis of the amount that county participated in the original payments to that facility during the period covered by the audit.

(e) Any federal deferrals or disallowances will be billed to the counties on the basis of dollar volume of the original payments during the period covered by the deferrals or disallowances.

(3) Payments required by counties shall be due, not later than thirty (30) days after presentation by the Idaho department of health and welfare of itemized statements showing medical assistance payments made during the prior period. The itemized statements shall show each client's name and medical assistance identification number, the providers to whom qualifying payments were made, the amount of each such payment, and the total amount due. Failure to pay within sixty (60) days will result in an amount equal to the amount determined by the director pursuant to subsections (1) and (2) of this section being transferred by the tax commission from the sales tax due that county under section 63-3638, Idaho Code, for the amount due to the county medical indigency suspense account, upon the written request of the director.

(4) Boards of county commissioners shall safeguard all provided information as provided for in section 1902(a)(7) of the social security act, 42 CFR 431.300 through 431.307 and sections 56-221 and 56-222, Idaho Code.

(5) In order to facilitate the start up and continued operation of the expanded medical assistance program each and every county of

the state of Idaho will pay, or cause to be paid, to the director of the department of health and welfare an amount equal to that county's population, as determined by the most recent census, times seventy cent (70¢). This amount is due and payable on July 15, 1987. Thereafter the amount of the suspense fund will be adjusted as determined by the director to provide adequate cash flow to make payment of bills. The director will deposit this amount to the county medical indigency suspense account.

(6) Any disputes brought by a county under this section against the state of Idaho shall be made by petition to the director of health and welfare who shall have fifteen (15) days to make a determination on such petition before the county may seek judicial review on the matter pursuant to section 67-5215, Idaho Code.

SECTION 2. That Chapter 2, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-209d, Idaho Code, and to read as follows:

56-209d. MEDICAL ASSISTANCE PROGRAM -- SERVICES TO BE PROVIDED. Notwithstanding any other provision of this chapter, medical assistance shall increase:

(1) Payment as determined under regulations established by the director from forty (40) days per fiscal year to unlimited days of inpatient hospital care per state fiscal year.

(2) Payment as determined under regulations established by the director from thirty dollars ($30.00) per month to an unlimited amount of prescribed drugs for each recipient.

(3) Provision of eligibility for medical assistance for residents of skilled and intermediate care facilities who meet the medical criteria for medical assistance, from those with countable income of two hundred one and two-tenths percent (201.2%) to those with countable income of three hundred percent (300%) of the SSI standard.

SECTION 3. That Chapter 4, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 56-460, Idaho Code, and to read as follows:

56-460. COUNTY MEDICAL INDIGENCY SUSPENSE ACCOUNT. (1) The director of the department of health and welfare shall receive from counties or on behalf of counties money to be used to pay for certain medical assistance payments as defined in section 31-873, Idaho Code. Such money shall be deposited by the state treasurer in a special account to be known as the "County Medical Indigency Suspense Account" which is hereby established, reserved, set aside, and appropriated. Upon the request of the director of the department of health and welfare, such money will be transferred to the cooperative welfare account and perpetually appropriated for the purpose of paying county medical expenditures.

(2) Pending such expenditure or use, surplus money in the county medical indigency suspense account shall be invested by the state

treasurer in the manner provided in section 67-1210, Idaho Code, for idle state moneys in the state treasury. Interest received on all such investments shall be paid into the catastrophic health care cost account established in section 57-813, Idaho Code.

Approved March 27, 1987.

CHAPTER 171
(H.B. No. 67)

AN ACT

RELATING TO CITY EMERGENCY LEVIES; AMENDING SECTION 50-1006, IDAHO CODE, TO PROVIDE FOR EMERGENCY LEVIES.

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

SECTION 1. That Section 50-1006, Idaho Code, be, and the same is hereby amended to read as follows:

50-1006. EXPENDITURES NOT TO EXCEED APPROPRIATION -- EXCEPTIONS. The mayor and council shall have no power to appropriate, issue or draw on the treasurer for money unless the same has been appropriated or ordered by ordinance, or the claim for the payment of which such order or warrant is issued has been allowed according to the provisions of sections 50-1001 through 50-1042, Idaho Code, and appropriations for the class or object out of which such claim is payable has been made as provided in sections 50-1001 through 50-1042, Idaho Code. Neither the city council nor any department or officer of the corporation shall add to the corporation expenditures in any year anything over and above the amount provided in the annual appropriation bill for the year, except as herein otherwise specially provided; and no expenditures for any improvement to be paid shall exceed in any year the amount allocated for such improvement in the annual appropriation bill, provided, however, that nothing herein contained shall prevent one-half (1/2) plus one (1) of the members of the full council from ~~ordering the repair or restoration of any improvement~~ declaring an emergency, the necessity for which was caused by casualty or, accident, or act of nature after such annual appropriation is made. In the event of a declared emergency caused by casualty or, accident, or act of nature, the city council may order the mayor and finance committee to borrow a sufficient sum to provide for the expense ~~necessary to be~~ incurred in abating the emergency or the making of any repairs or restoration of improvements, for a space of time not exceeding the close of the next fiscal year, which sum and the interest shall be added to the amount authorized to be raised in the next general tax levy and embraced therein.

Should any judgment be obtained against the corporation, the mayor and finance committee, under the sanction of the city council, may borrow for a space of time not exceeding the close of the next fiscal

year, a sufficient amount to pay the same, which sum and interest shall in like manner be added to the amount authorized to be raised in the general tax levy of the next year and embraced therein. The tax levy herein shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

Approved March 27, 1987.

CHAPTER 172
(H.B. No. 68)

AN ACT

RELATING TO CITY BUDGET AMENDMENTS; AMENDING SECTION 50-1003, IDAHO CODE, TO PROVIDE THAT A CITY WHOSE PROPERTY TAX CERTIFICATION IS MADE FOR THE CURRENT FISCAL YEAR MAY AMEND ITS BUDGET AND ANNUAL APPROPRIATION ORDINANCE PRIOR TO CERTIFICATION TO THE COUNTY COMMISSIONERS.

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

SECTION 1. That Section 50-1003, Idaho Code, be, and the same is hereby amended to read as follows:

50-1003. ANNUAL APPROPRIATIONS BILL -- AMENDING APPROPRIATION ORDINANCE -- SPECIAL APPROPRIATION UPON PETITION OR ELECTION. The city council of each city shall, prior to the commencement of each fiscal year, pass an ordinance to be termed the annual appropriation ordinance, which in no event shall be greater than the amount of the proposed budget, in which the corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation, not exceeding in the aggregate the amount of tax authorized to be levied during that year in addition to all other anticipated revenues. Provided, the amount appropriated from property tax revenues shall not exceed the amount of property tax revenue advertised pursuant to section 50-1002, Idaho Code.

Such ordinance shall specify the object and purposes for which such appropriations are made and the amount appropriated for each object or purpose. Said ordinance shall be filed with the office of the secretary of state.

The city council of any city may, by the same procedure as used in adopting the original appropriation ordinance at any time during the current fiscal year, amend the appropriation ordinance to a greater amount than that adopted, if after the adoption of the appropriation ordinance, additional revenue will accrue to the city during the current fiscal year as a result of increase in state or federal grants or allocations, or as a result of an increase in an enterprise fund or funds to finance the operation and maintenance of governmental facilities and services which are entirely or predominantly self-supporting

by user charges. A city whose property tax certification is made for the current fiscal year may amend its budget and annual appropriation ordinance, pursuant to the notice and hearing requirements of section 50-1002, Idaho Code, prior to certification to the county commissioners.

No further appropriation, except as herein provided, shall be made at any other time within such fiscal year unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city, either by petition signed by them equal in number to a majority of the number who voted at the last general city election, or approved at a special election duly called therefor, and all appropriations shall end with the fiscal year for which they are made.

Approved March 27, 1987.

CHAPTER 173
(S.B. No. 1091)

AN ACT

RELATING TO THE ISSUANCE OF A MIGRATORY WATERFOWL STAMP; AMENDING CHAPTER 4, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-414, IDAHO CODE, TO DEFINE TERMS TO PROVIDE THAT A MIGRATORY WATERFOWL STAMP IS REQUIRED TO HUNT MIGRATORY WATERFOWL, TO PROVIDE FEES, TO PROVIDE PENALTIES, TO PROVIDE FOR DISPOSITION OF AND UTILIZATION OF FEES DERIVED FROM THE SALE OF A STAMP, TO PROVIDE FOR CREATION OF THE MIGRATORY WATERFOWL ART COMMITTEE, TO PROVIDE MEMBERSHIP OF THE COMMITTEE, TO PROVIDE DUTIES OF THE COMMITTEE AND TO PROVIDE FOR DISPOSITION OF FUNDS RAISED BY THE COMMITTEE; AND APPROPRIATING MONEYS TO THE MIGRATORY WATERFOWL ART COMMITTEE IN THE DEPARTMENT OF FISH AND GAME FROM THE FISH AND GAME ACCOUNT FOR FISCAL YEAR 1988; AND PROVIDING EFFECTIVE DATES AND A SUNSET CLAUSE.

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

SECTION 1. That Chapter 4, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 36-414, Idaho Code, and to read as follows:

36-414. MIGRATORY WATERFOWL STAMP -- PRINTS -- MIGRATORY WATERFOWL ART COMMITTEE. (1) As used in this section:

(a) "Migratory waterfowl" means members of the family Anatidae, including brants, ducks and geese.

(b) "Migratory waterfowl art committee" means the committee created in subsection (5) of this section.

(c) "Migratory waterfowl stamp" means the stamp that is required pursuant to this section to be in the possession of persons over

sixteen (16) years of age to hunt migratory waterfowl.

(d) "Prints and artwork" mean replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory waterfowl stamp that is required pursuant to this section. Artwork may be any facsimile of the original stamp design, including color renditions, metal duplications or any other kind of design.

(2) A state migratory waterfowl stamp is required to hunt migratory waterfowl. The fee for the stamp is five dollars ($5.00). The migratory waterfowl stamp shall be required in the hunting season starting not later than the fall of 1987. The migratory waterfowl stamp shall be validated by the signature of the licensee written across the the face of the stamp. The stamp shall be sold pursuant to the procedures contained in chapter 3, title 36, Idaho Code. All persons authorized to sell migratory waterfowl stamps may charge a commission of fifty cents (50¢) upon each stamp, to be retained by them as compensation for the sale of the migratory waterfowl stamp. This shall be in addition to the five dollar ($5.00) charge.

(3) It is unlawful and shall be a misdemeanor for any person over sixteen (16) years of age to hunt any migratory waterfowl without first obtaining a migratory waterfowl stamp as required in this section.

(4) The migratory waterfowl stamp to be produced by the department shall use the design as provided by the migratory waterfowl art committee. All revenue derived from the sale of the stamps by the department shall be deposited in the fish and game trust account and shall be used only for the cost of printing and production of the stamp and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state. Acquisition shall include, but not be limited to, the acceptance of gifts of real property or any interest therein or the rental, lease or purchase of real property or any interest therein. If the department acquires any fee interest, leasehold or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, insure that the deed or other instrument creating the interest allows this access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to insure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission.

The department may produce migratory waterfowl stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the migratory waterfowl art committee for sale to the public.

(5) There is hereby created a migratory waterfowl art committee which shall be composed of seven (7) members. The committee shall consist of one (1) member appointed by the governor, four (4) members

appointed by the director of the department, one (1) member appointed by the Idaho commission on the arts, and one (1) member appointed by the director of the department of agriculture. The member appointed by the Idaho commission on the arts shall be knowledgeable in the area of fine art reproduction. The member appointed by the director of the department of agriculture shall represent statewide farming interest. The members appointed by the governor and the director of the department shall be knowledgeable about waterfowl and waterfowl management. The four (4) members appointed by the director of the department shall also represent respectively:

(a) A northern Idaho sports group;

(b) A southern Idaho sports group;

(c) A group with a major interest in the conservation and propagation of migratory waterfowl; and

(d) A statewide conservation organization.

(6) The members of the committee shall serve three (3) year staggered terms and at the expiration of their terms shall serve until qualified successors are appointed. Of the seven (7) members, two (2) shall serve initial terms of four (4) years, two (2) shall serve initial terms of three (3) years, and three (3) shall serve initial terms of two (2) years. The appointees of the governor and the director of the department of agriculture shall serve the initial terms of four (4) years. The appointees of the commission on the arts and one (1) of the appointees of the director of the department of fish and game shall serve the initial terms of two (2) years. Vacancies shall be filled for unexpired terms consistent with this subsection. A chairman shall be elected annually by the committee. The committee shall review the director's expenditures of the previous year of both the stamp money and the prints and related artwork money. Members of the committee shall be compensated as provided in section 59-509(a), Idaho Code.

(7) The committee is responsible for the selection of the annual migratory waterfowl stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license vendors, the director shall initiate the artwork selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

(8) The total amount of moneys brought in from the sale of prints, stamps, and related artwork shall be deposited in the fish and game trust account. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director shall be paid out of the total amount of moneys brought in from sale of those same items. Net funds derived from the sale of prints and related artwork shall be expended as follows:

(a) Twenty percent (20%) of the funds shall be provided by the director of the department to an appropriate nonprofit entity or

wildlife conservation agency for the development of migratory waterfowl propagation projects within the provinces of Alberta and British Columbia in Canada.

(b) Eighty percent (80%) of the funds shall be used by the director of the department for the acquisition and development of waterfowl propagation projects within Idaho.

(c) The migratory waterfowl art committee shall have a periodic audit of its finances conducted by the legislative auditor or its successor agency and shall furnish a copy of the audit to the fish and game commission and the senate resources and environment committee and the house of representatives resources and conservation committee.

SECTION 2. There is hereby appropriated to the Migratory Waterfowl Art Committee in the Department of Fish and Game from the Fish and Game Account for the initiation of the program provided for in Section 1 of this act for the fiscal year beginning July 1, 1987, the amount of $5,000. The appropriation shall be repaid to the Fish and Game Account with moneys generated from the sale of art prints and related artwork.

SECTION 3. This act shall be in full force and effect on and after July 1, 1987, provided that Section 1 of this act shall be null, void, and of no force and effect on and after July 1, 1995.

Approved March 30, 1987.

CHAPTER 174
(S.B. No. 1178)

AN ACT

RELATING TO WATER POLLUTION CONTROL; AMENDING SECTION 39-3601, IDAHO CODE, TO INCLUDE MONITORING OF GROUND WATER POLLUTION; AMENDING SECTION 39-3603, IDAHO CODE, TO AUTHORIZE LOANS, TO REVISE FUNDING FOR OPERATIONS AND TO ALLOW WATER QUALITY MONITORING FOR AGRICULTURAL POLLUTION CONTROL GRANT PROJECTS; AMENDING SECTION 39-3604, IDAHO CODE, TO AUTHORIZE LOAN PAYMENTS AND TO ALLOW CONTRACTS WITH THE SOIL CONSERVATION COMMISSION FOR TECHNICAL ASSISTANCE; AMENDING SECTION 39-3605, IDAHO CODE, TO ALLOW ADDITIONAL FUNDING SOURCES; AMENDING CHAPTER 36, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-3605B, IDAHO CODE, TO ESTABLISH A WASTEWATER FACILITY LOAN ACCOUNT; AMENDING SECTION 39-3606, IDAHO CODE, TO INCLUDE LOANS AND STATE MATCHING FUNDS, AND TO PROVIDE FOR PAYMENTS; AND AMENDING SECTION 39-3606B, IDAHO CODE, TO INCLUDE LOANS IN THE FORMS OF FINANCIAL ASSISTANCE AND TO REQUIRE THAT PROJECTED PAYMENTS FOR REPAYMENT OF GRANTS AND LOANS WILL NOT CAUSE THE PROJECTED BALANCE IN THE WATER POLLUTION CONTROL ACCOUNT TO FALL BELOW ZERO AT ANY TIME.

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

SECTION 1. That Section 39-3601, Idaho Code, be, and the same is hereby amended to read as follows:

39-3601. DECLARATION OF POLICY — DESIGNATION OF DIRECTOR. The legislature, recognizing that water is one (1) of the state's most valuable natural resources ~~and, realizing that some waters of the state of Idaho are becoming polluted to an intolerable degree, which is inconsistent with the public interest of the state of Idaho~~, has adopted water quality standards and authorized the director of the department of health and welfare to implement these standards. In order to provide and maintain maximum water quality in the state for domestic, industrial, agricultural (irrigation and stockwatering), mining, manufacturing, electric power generation, municipal, fish culture, artificial ~~groundwater~~ ground water recharge, transportation and recreational purposes at the earliest possible date, and to conform to the expressed intent of congress to abate pollution of ground waters, streams and lakes, the legislature declares the purpose of this act is to enhance and preserve the quality and value of the water resources of the state of Idaho and to assist in the prevention, control, ~~and~~ abatement and monitoring of water pollution. In consequence of the benefits resulting to the public health, welfare and economy it is hereby declared to be the policy of the state of Idaho to protect this natural resource by assisting in monitoring, preventing and controlling water pollution; to support and aid technical and planning research leading to the prevention and control of water pollution, and to provide financial and technical assistance to municipalities ~~and~~, soil conservation districts and other agencies in the abatement~~,~~ and prevention of water pollution. The director of the department of health and welfare shall administer this act and nothing herein shall be construed as impairing or in any manner affecting the statutory authority or jurisdiction of municipalities in providing domestic water, sewage collection and treatment.

SECTION 2. That Section 39-3603, Idaho Code, be, and the same is hereby amended to read as follows:

39-3603. AUTHORIZATION OF GRANTS AND LOANS -- DESIGNATION OF ADMINISTERING AGENCY -- RESERVATION OF FUNDS FOR ~~ADMINISTRATION~~ OPERATIONS -- CRITERIA -- PRIORITY PROJECTS -- ELIGIBLE PROJECTS. A. The state of Idaho is hereby authorized to make grants and loans, as funds are available, to any municipality or soil conservation district to assist said municipality or soil conservation district in the construction of sewage treatment works or application of best management practices and to provide for training of treatment plant operating personnel.

B. The Idaho board of health and welfare shall be the agency for administration of funds ~~granted by~~ authorized for grants or loans under this ~~state~~ act, and may reserve up to four percent (4%) of the moneys accruing annually to the water pollution control account to be appropriated annually for the purpose of ~~administering~~ operating the

~~grants~~ water quality programs established pursuant to this ~~section~~ chapter. The board may also reserve up to six percent (6%) of the moneys accruing annually to the water pollution control account to be appropriated annually for the purpose of conducting water quality studies including monitoring.

C. In allocating state construction grants and loans under this act, the Idaho board of health and welfare shall give consideration to water pollution control needs and protection of public health.

D. Pursuant to subsection C the Idaho board of health and welfare shall establish a list of priority municipal sewage facility projects. The Idaho board of health and welfare with the approval of the Idaho soil conservation commission shall establish a list of priority projects for control of agricultural nonpoint source pollution. These priority lists shall be used as the method for allocation of funds granted or loaned under this act.

SECTION 3. That Section 39-3604, Idaho Code, be, and the same is hereby amended to read as follows:

39-3604. PAYMENTS BY STATE BOARD OF HEALTH AND WELFARE -- CONTRACTS WITH MUNICIPALITIES ~~OR~~, SOIL CONSERVATION DISTRICTS OR SOIL CONSERVATION COMMISSION --RULES AND REGULATIONS -- APPROVAL OF ATTORNEY GENERAL -- AUDIT OF PAYMENTS. A. The Idaho board of health and welfare may make payments not to exceed ninety percent (90%) of the estimated reasonable cost of an eligible construction project funded by a grant payments. Payments may be made which are equal to one hundred percent (100%) of the estimated reasonable cost of an eligible construction project funded by a loan.

B. The Idaho board of health and welfare may, in the name of the state of Idaho, enter into contracts with municipalities or soil conservation districts, and any such municipality or soil conservation district may enter into a contract with the Idaho board of health and welfare, concerning eligible construction projects. Any such contract may include such provisions as may be agreed upon by the parties thereto, and shall include, in substance, the following provisions:

1. An estimate of the reasonable cost of the project as determined by the Idaho board of health and welfare.

2. An agreement by the municipality, binding for the actual service life of the sewage treatment works:

a. To proceed expeditiously with, and complete, the project in accordance with plans approved pursuant to section 39-118, Idaho Code.

b. To commence operation of the sewage treatment works on completion of the project, and not to discontinue operation or dispose of the sewage treatment works without the approval of the board of health and welfare.

c. To operate and maintain the sewage treatment works in accordance with applicable provisions, rules and regulations of the board.

d. To make available on an equitable basis the services of the sewage treatment works to the residents and commercial and industrial establishments of areas it was designed to

serve.

e. To provide for the payment of the municipality's share of the cost of the project when the project is built using grant funds.

f. To develop and to secure the approval of the department of plans for the operation and maintenance of the sewage treatment works; and of plans and programs for the recovery of the capital costs and operating expenses of the works or system.

g. To allow the state to ~~give~~ make loans of up to one hundred percent (100%) and supplemental grants ~~of up to ninety percent (90%) of~~ based upon financial capability to a municipality for the estimated reasonable cost of an eligible project ~~to a~~, provided the municipality ~~which~~ does not have a nondomestic wastewater source which (1) contributes ten percent (10%) or more of the organic or hydraulic loading of the works or (2) requires the installation of special treatment processes which add an increment of ten percent (10%) or more to the capital cost of the works. ~~The state may make grants of up to twenty five percent (25%) of the estimated reasonable cost of an eligible project to a municipality which has such a nondomestic wastewater source; and~~ For municipalities which have a nondomestic wastewater source meeting either criteria (1) or (2) of this subparagraph, the state may make combined loans and grants up to one hundred percent (100%) of the costs of the improvements to meet only the domestic needs.

h. To provide for the accumulation of funds through the use of taxing powers, through charges made for services, through revenue bonds, or otherwise, for the purposes of (1) capital replacement and (2) future improvement, betterment, and extension of such works occasioned by increased wastewater loadings on the works.

3. The terms under which the Idaho board of health and welfare may unilaterally terminate the contract and/or seek repayment from the municipality or soil conservation district of sums already paid pursuant to the contract for noncompliance by the municipality or soil conservation district with the terms and conditions of the contract and the provisions of this ~~subsection~~ chapter.

4. An agreement by the soil conservation district, binding for the life of the eligible project:

a. To develop water quality plans for landowners in the project areas and provide cost-share payments to landowners for installation of best management practices.

b. To determine cost-share rates in conjunction with the state soil conservation commission for best management practices.

c. In conjunction with the state soil conservation commission establish a method for project administration and provisions for technical assistance to landowners.

d. To allow the state to give grants of up to ninety percent (90%) of the estimated reasonable cost for best management

practices installation, technical assistance and project administration of an eligible project.

e. To develop and to secure the approval of the department and the state soil conservation commission of plans for operation of the eligible project.

f. To ensure that the local matching share of the cost of the project is provided.

g. To assure an adequate level of landowner participation and application of best management practices to insure water quality goals are met.

C. The Idaho board of health and welfare may, in the name of the state of Idaho, enter into contracts with the soil conservation commission, and the soil conservation commission may enter into contracts with the Idaho board of health and welfare, to provide technical assistance to soil conservation districts which have entered grant agreements pursuant to this chapter. Any such contract may include such provisions agreed upon by the parties thereto, and shall include, in substance, the following provisions:

1. An estimate of the reasonable cost of technical assistance as determined by the Idaho board of health and welfare.

2. The terms under which the Idaho board of health and welfare may unilaterally terminate the contract, and/or seek repayment of sums paid pursuant to the contract, for noncompliance by the soil conservation commission with the terms and conditions of the contract, the provisions of this chapter, or regulations adopted pursuant thereto.

D. The board may adopt rules and regulations necessary for the making and enforcing of contracts hereunder and establishing procedures to be followed in applying for state construction grants or loans or training grants herein authorized as shall be necessary for the effective administration of the grants and loans program.

~~D~~E. All contracts entered into pursuant to this section shall be subject to approval by the attorney general as to form. All payments by the state pursuant to such contracts shall be made after audit and upon warrant as provided by law on vouchers approved by the director.

SECTION 4. That Section 39-3605, Idaho Code, be, and the same is hereby amended to read as follows:

39-3605. WATER POLLUTION CONTROL ~~FUND~~ ACCOUNT ESTABLISHED. There is hereby created and established in the state treasury a separate ~~fund~~ account to be known as the water pollution control ~~fund~~ account. The ~~fund~~ account shall have paid into it:

1. The moneys provided for in section 14-425, Idaho Code, that are paid over to the state treasurer shall be deposited to the credit of the water pollution control ~~fund~~ account, and not to the credit of the state general ~~fund~~ account;

2. All donations and grants from any source which may be used for the provisions of this act;

3. Federal funds which are received by the state to provide for wastewater facility loans. Any such funds together with required state matching funds shall be accounted for separately.

4. Any other funds which may hereafter be provided by law.

SECTION 5. That Chapter 36, 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 39-3605B, Idaho Code, and to read as follows:

39-3605B. WASTEWATER FACILITY LOAN ACCOUNT ESTABLISHED. There is hereby created and established in the agency asset fund in the state treasury an account to be known as the wastewater facility loan account. Surplus moneys in the wastewater facility loan account shall be invested by the state treasurer in the manner provided for idle state moneys in the state treasury under section 67-1210, Idaho Code. Interest received on all such investments shall be paid into the wastewater facility loan account. The account shall have paid into it:

1. Federal funds which are received by the state to provide for wastewater facility loans together with required state matching funds coming from a portion of the moneys in the water pollution control account as established in section 39-3605, Idaho Code;

2. All donations and grants from any source which may be used for the provisions of this section;

3. Any other moneys which may hereafter be provided by law.

SECTION 6. That Section 39-3606, Idaho Code, be, and the same is hereby amended to read as follows:

39-3606. APPROPRIATION OF WATER POLLUTION CONTROL ~~FUND~~ ACCOUNT -- PURPOSE OF CHAPTER. ~~Sewage treatment works construction and training~~ ~~m~~Moneys in the water pollution control ~~fund~~ account are hereby perpetually appropriated for the following purposes ~~of--this--chapter:--The purposes of this chapter are:~~

1. To provide the state's matching share of ~~construction~~ grants and to provide for loans made under the provisions of this chapter.

2. To provide revenue for the payment of general obligation bonds issued pursuant to section 39-3607, Idaho Code, and general obligation refunding bonds issued pursuant to chapter 115, 1973 laws of the state of Idaho.

3. To provide for the ~~administration~~ operations of the ~~grants~~ water quality programs established pursuant to this chapter.

4. To provide direct grants or contracts for the purpose of providing training for water and sewage treatment plant operating personnel.

5. To provide payments for contracts entered into pursuant to this chapter.

6. To provide the state's required matching share of federal funds deposited in the wastewater facility loan account established in section 39-3605B, Idaho Code.

SECTION 7. That Section 39-3606B, Idaho Code, be, and the same is hereby amended to read as follows:

39-3606B. GRANTS AND LOANS FOR DESIGN, PLANNING OR CONSTRUCTION

-- LIMITS ON AMOUNT OF GRANTS AND LOANS. (1) The board of health and welfare may divide financial assistance for eligible construction projects into separate grants, loans or a combination of grants and loans for the design, planning, and construction stages of project development. The making of a grant or ~~grants~~ loan for early stages of a project does not obligate the state to make a grant or ~~grants~~ loans for later stages of the same project.

(2) ~~During the course of any fiscal year t~~The board may make grants ~~committing~~ or loans from the water pollution control account ~~for an amount equal to the sum of: (a) the account's current balance; and (b) moneys projected to be paid into the account from revenues received during the current fiscal year.~~

~~(2) The board shall not make a grant when the making of payments to a municipality according to such a grant would then be projected to~~; provided, that the projected payments for such grants or loans would not cause the projected balance in the account to fall below zero at any time. All ~~grant payments sha~~ll be subject to the availability of moneys in the account.

Approved March 30, 1987.

CHAPTER 175
(S.B. No. 1179)

AN ACT

RELATING TO LAW ENFORCEMENT OFFICERS; AMENDING CHAPTER 6, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-610A, IDAHO CODE, TO PROVIDE THAT AN EMPLOYER OF A LAW ENFORCEMENT OFFICER SHALL PROVIDE THE OFFICER'S DEFENSE IN A CRIMINAL ACTION AGAINST THE OFFICER IF THE ALLEGED CRIMINAL ACT OR OMISSION OCCURRED IN THE COURSE AND SCOPE OF THE OFFICER'S EMPLOYMENT, AND THE OFFICER PROVIDED HIS OWN DEFENSE AND WAS FOUND NOT GUILTY OF THE CRIMINAL CHARGES OR THE CHARGES WERE DROPPED.

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

SECTION 1. That Chapter 6, 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 6-610A, Idaho Code, and to read as follows:

6-610A. EMPLOYER FURNISHING DEFENSE FOR PUBLIC OFFICER IN CRIMINAL ACTIONS -- REQUIREMENTS. (1) If a criminal action or proceeding is brought against an employee who is a sheriff, constable, peace officer, state police officer, or any other person charged with the duty of enforcement of the criminal laws of this state, the employer of the employee charged in the criminal action shall reimburse the employee for reasonable expenses the employee incurred in providing his defense in the criminal action if:

(a) The criminal action or proceeding is brought on account of an act or omission which occurred in the course and scope of the employee's duties as an employee of the employer; and

(b) The employee provides his own defense in the criminal action and the employee is found not guilty of the criminal charges or the charges are dropped.

(2) For the purposes of this section, employer shall mean the state of Idaho or any office, department, agency, authority, commission, board or other instrumentality thereof, and political subdivisions of the state of Idaho including any city, county or municipal corporation.

Approved March 30, 1987.

CHAPTER 176
(H.B. No. 56, As Amended)

AN ACT

RELATING TO THE EFFECT OF A PLEA OF GUILTY REGARDING THE STATE'S FISH AND GAME CODE; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE THE EFFECT OF A FINDING OF GUILT OR ENTERING A PLEA OF GUILTY FOR VIOLATING THE STATE'S FISH AND GAME CODE UPON LICENSE REVOCATION PROCEEDINGS AND FOR CRIMINAL PENALTY PURPOSES; AND AMENDING SECTION 36-1404, IDAHO CODE, TO PROVIDE THE EFFECT OF A FINDING OF GUILT OR ENTERING A PLEA OF GUILTY FOR VIOLATING THE STATE'S FISH AND GAME CODE.

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

SECTION 1. That Section 36-1402, Idaho Code, be, and the same is hereby amended to read as follows:

36-1402. PENALTY -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONEYS. (a) Misdemeanor Penalty. Any person entering a plea of guilty for, found guilty of or convicted of a misdemeanor under the provisions of this title or regulations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be fined in a sum of not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000) and/or by commitment to jail for not more than six (6) months. The minimum and maximum fine, per animal, fish or bird, for the illegal taking, illegal possession or the illegal waste of the following animals, fish or birds shall be as indicated below:

Animal, Fish or Bird	Minimum Fine	Maximum Fine
Bighorn sheep, mountain goat and moose	$500	$1,000
Elk	$300	$1,000
Deer and pronghorn antelope	$200	$ 500
Wild turkey, whistling swan and sturgeon	$200	$ 500
Chinook salmon	$100	$ 500

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

(c) License Revocation. Any person entering a plea of guilty for, being found guilty of or being convicted of violating any of the provisions of this title may, in addition to any other penalty assessed by the court, have his hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the court not to exceed three (3) years, said period beginning on the date of conviction, finding of guilt or the entry of the plea of guilty. Provided further, that the magistrate hearing the case shall forthwith revoke the hunting, fishing, or trapping privileges for a period of not less than one (1) year from the date of such conviction, finding of guilt or the entry of the plea of guilty, of any person who is convicted of, found guilty of or enters a plea of guilty for any of the following offenses:

1. Taking upland game birds, migratory waterfowl, salmon, steelhead, or any big game animal during closed season.
2. Exceeding the daily bag or possession limit of upland game birds, migratory waterfowl or big game animals.
3. Taking any fish by unlawful methods as set forth in section 36-902(a) or (c), Idaho Code.
4. Unlawfully purchasing, possessing or using any license, tag or permit as set forth in section 36-405(c), Idaho Code.
5. Trespassing in violation of warning signs as set forth in section 36-1603, Idaho Code.
6. The unlawful sale or purchase of wildlife as set forth in section 36-501, Idaho Code.

The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing an applicable license for the length of time required to meet the revocation period decreed. In the case of persons pleading guilty, convicted or found guilty of committing multiple offenses, the revocation periods may run consecutively. In the case of pleas of guilty, convictions or findings of guilt involving taking big game animals during closed season or exceeding the daily bag or possession limit of big game, the magistrate hearing the case shall revoke the hunting, fishing or trapping privileges of any person convicted or found guilty of those offenses for a period of not less than one (1) year for each big game animal illegally taken or possessed by the person convicted or found guilty.

It shall be a misdemeanor for any person to hunt, fish, or trap or purchase a license to do so during the period of time for which such privilege is revoked by order of any court of this state. Any person pleading guilty, found guilty or convicted thereof shall be fined in an amount of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by commitment to jail for not more than six (6) months or by both such fine and commitment. Provided further, that the period of revocation of such privileges shall be extended an additional amount of time equal to the original revocation.

For the purpose of this section, the term "conviction" shall mean

a final conviction.

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

SECTION 2. That Section 36-1404, Idaho Code, be, and the same is hereby amended to read as follows:

36-1404. UNLAWFUL KILLING, POSSESSION OR WASTE OF WILD ANIMALS, BIRDS AND FISH -- REIMBURSABLE DAMAGES -- SCHEDULE -- ASSESSMENT BY MAGISTRATES -- INSTALLMENT PAYMENTS -- DEFAULT JUDGMENTS -- DISPOSITION OF MONEYS. (a) In addition to the penalties provided for violating any of the provisions of title 36, Idaho Code, any person who pleads guilty, is found guilty of or is convicted of the illegal killing or the illegal possession or illegal waste of game animals or birds or fish shall reimburse the state for the value of each animal so killed or possessed or wasted as follows:

1. Elk, five hundred dollars ($500) per animal killed, possessed or wasted.
2. Caribou, bighorn sheep, mountain goat and moose, one thousand dollars ($1,000) per animal killed, possessed or wasted.
3. Deer, and pronghorn antelope, two hundred dollars ($200) per animal killed, possessed or wasted.
4. Wild turkey and whistling swan, two hundred dollars ($200) per bird killed, possessed or wasted.
5. Sturgeon, two hundred dollars ($200) per fish killed, possessed or wasted.
6. Chinook salmon, one hundred dollars ($100) per fish killed, possessed or wasted.

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

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

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

(e) All courts ordering such reimbursement damages shall order such payments to be made to the department which shall deposit them with the state treasurer, and the treasurer shall place them in the

state fish and game account.

Approved March 30, 1987.

CHAPTER 177
(H.B. No. 57)

AN ACT

RELATING TO SEXUAL EXPLOITATION OF A CHILD; AMENDING SECTION 18-1507, IDAHO CODE, TO INCREASE THE PENALTY FOR THE SEXUAL EXPLOITATION OF A CHILD FOR A COMMERCIAL PURPOSE; AND AMENDING CHAPTER 15, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1507A, IDAHO CODE, TO PROVIDE A PENALTY FOR POSSESSION OF SEXUALLY EXPLOITATIVE MATERIAL FOR OTHER THAN A COMMERCIAL PURPOSE.

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

SECTION 1. That Section 18-1507, Idaho Code, be, and the same is hereby amended to read as follows:

18-1507. SEXUAL EXPLOITATION OF A CHILD. (1) The legislature hereby finds and declares that the commercial sexual exploitation of children constitutes a wrongful invasion of the child's right of privacy and results in social, developmental, and emotional injury to the child; that a child below the age of eighteen (18) years is incapable of giving informed consent to the use of his or her body for a commercial purpose; and that to protect children from commercial sexual exploitation it is necessary to prohibit the production for trade or commerce of material which involves or is derived from such exploitation and to exclude all such material from the channels of trade and commerce.

(2) As used in this section, unless the context otherwise requires:

(a) "Child" means a person who is less than eighteen (18) years of age.

(b) "Commercial purpose" means the intention, objective, anticipation, or expectation of monetary gain or other material consideration, compensation, remuneration, or profit.

(c) "Erotic fondling" means touching a person's clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts (if the person is a female), or developing or undeveloped breast area (if the person is a female child), for the purpose of real or simulated overt sexual gratification or stimulation of one or more of the persons involved. "Erotic fondling" shall not be construed to include physical contact, even if affectionate, which is not for the purpose of real or simulated overt sexual gratification or stimulation of one or more of the persons involved.

(d) "Erotic nudity" means the display of the human male or female

genitals or pubic area, the undeveloped or developing genitals or pubic area of the human male or female child, the human female breasts, or the undeveloped or developing breast area of the human female child, for the purpose of real or simulated overt sexual gratification or stimulation of one or more of the persons involved.

(e) "Explicit sexual conduct" means sexual intercourse, erotic fondling, erotic nudity, masturbation, sadomasochism, or sexual excitement.

(f) "Masturbation" means the real or simulated touching, rubbing, or otherwise stimulating of a person's own clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts (if the person is a female), or developing or undeveloped breast area (if the person is a female child), by manual manipulation or self-induced or with an artificial instrument, for the purpose of real or simulated overt sexual gratification or arousal of the person.

(g) "Sadomasochism" means:

1. Real or simulated flagellation or torture for the purpose of real or simulated sexual stimulation or gratification; or

2. The real or simulated condition of being fettered, bound, or otherwise physically restrained for sexual stimulation or gratification of a person.

(h) "Sexual excitement" means the real or simulated condition of human male or female genitals when in a state of real or simulated overt sexual stimulation or arousal.

(i) "Sexual intercourse" means real or simulated intercourse, whether genital-genital, oral-genital, anal-genital, or oral-anal, between persons of the same or opposite sex, or between a human and an animal, or with an artificial genital.

(j) "Sexually exploitative material" means any photograph, motion picture, videotape, print, negative, slide, or other mechanically, electronically, or chemically reproduced visual material which depicts a child engaged in, participating in, observing, or being used for explicit sexual conduct.

(3) A person commits sexual exploitation of a child if, for any commercial purpose, he knowingly:

(a) Causes, induces, or permits a child to engage in, or be used for, any explicit sexual conduct; or

(b) Prepares, arranges for, publishes, produces, promotes, makes, sells, finances, offers, exhibits, advertises, deals in, possesses, or distributes any sexually exploitative material.

(4) The possession by any person of three (3) or more identical copies of any sexually exploitative material shall create a presumption that such possession is for a commercial purpose.

(5) The sexual exploitation of a child is a felony and shall be punishable by imprisonment in the state prison for a period not to exceed fifteen (15) years or by a fine not to exceed twenty-five thousand dollars ($25,000) or by both such fine and imprisonment.

(6) If any provision of this section or the application thereof to any person or circumstances is held invalid, such invalidity shall

not affect other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

SECTION 2. That Chapter 15, 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 18-1507A, Idaho Code, and to read as follows:

18-1507A. POSSESSION OF SEXUALLY EXPLOITATIVE MATERIAL FOR OTHER THAN A COMMERCIAL PURPOSE -- PENALTY. (1) It is the policy of the legislature in enacting this section to protect children from the physical and psychological damage caused by their being used in photographic representations of sexual conduct which involves children. It is, therefore, the intent of the legislature to penalize possession of photographic representations of sexual conduct which involves children in order to protect the identity of children who are victimized by involvement in the photographic representations, and to protect children from future involvement in photographic representations of sexual conduct.

(2) Every person who knowingly and willfully has in his possession any sexually exploitative material as defined in section 18-1507, Idaho Code, for other than a commercial purpose, is guilty of a felony, and shall be punished by imprisonment in the state prison for a period not to exceed five (5) years and by a fine not to exceed five thousand dollars ($5,000).

Approved March 30, 1987.

CHAPTER 178
(H.B. No. 102)

AN ACT

RELATING TO SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS; AMENDING SECTION 18-1506, IDAHO CODE, TO EXPAND THE SCOPE OF WHAT CONSTITUTES THE CRIME OF SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS.

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

SECTION 1. That Section 18-1506, Idaho Code, be, and the same is hereby amended to read as follows:

18-1506. SEXUAL ABUSE OF A CHILD UNDER THE AGE OF SIXTEEN YEARS. (1) Any person eighteen (18) years of age or older who shall:

(a) solicit a minor child under the age of sixteen (16) years to participate in a sexual act, or

(b) who shall cause or have sexual contact with such a child, not amounting to lewd conduct as defined by section 18-1508, Idaho

Code, or

(c) make any photographic or electronic recording of the child, and where any of the acts are done with the intent to gratify the sexual desire of either party or a third party, shall be guilty of a felony.

(2) For the purposes of this section "solicit" means any offensive written, verbal, or physical act which is intended to communicate to the child the actor's desire to participate in a sexual act or participate in sexual foreplay, or the actor's desire to gratify lust by the means of photographing or observing the child engaged in sexual contact.

(3) For the purposes of this section "sexual contact" means any physical contact between the child and the actor, or between children which is caused by the actor, or the actor causing the child to have self contact, any of which is intended to gratify the lust or sexual desire of the actor or a third party.

Approved March 30, 1987.

CHAPTER 179
(H.B. No. 129, As Amended in the Senate)

AN ACT

RELATING TO ABSENTEE VOTING IN SCHOOL ELECTIONS; AMENDING SECTION 33-406, IDAHO CODE, TO ADOPT A DEADLINE FOR MAKING APPLICATION AND RETURNING AN ABSENTEE BALLOT.

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

SECTION 1. That Section 33-406, Idaho Code, be, and the same is hereby amended to read as follows:

33-406. ABSENTEE VOTING. For the purposes of this section the term clerk shall mean the clerk of the board of county commissioners whenever an election involves changing the boundaries of school districts, or the creation of new school districts by consolidation of districts or division of a district. In all other school elections the term clerk shall mean the clerk of the board of trustees of the school district.

In any school election, a qualified school elector who expects to be absent from the district on the day of the election, or who will be unable, because of physical disability or blindness, to go to the polling place, may vote in such election in the manner herein provided.

Any such elector may make written application to the clerk for a ballot or ballots of the kind or kinds to be voted on at such election, which application shall contain the name of the elector, the trustee zone of the district in which he resides, and his present address. The application for an absent elector's ballot shall be

filed with the clerk not later than one (1) hour prior to the opening of the polls.

The clerk receiving such application shall, not more than ten (10) days prior to the day of the election, deliver to said applicant elector personally or or by mail to the mailing address given in the application, postage prepaid, a ballot or ballots, one (1) of each kind thereof, to be voted on in the election, and a form of oath of qualification.

The elector shall vote in secret and shall inclose his ballot or ballots together with the form of oath of qualification executed by him, in an envelope to be supplied by the clerk, seal the same, and place thereon his name and the date the vote was cast, and shall place the said envelope in another envelope and address and mail, or deliver, the same to the clerk. The absentee ballot must be received by the clerk, not later than 8:00 p.m. on the day of the election, before such ballot may be counted.

Any elector physically unable to mark his own ballot may receive assistance in marking his ballot from the officer delivering same or an available person of his own choosing. In the event the officer is requested to render assistance in marking an absent elector's ballot, the officer shall ascertain the desires of the elector and shall vote the applicant's ballot accordingly. No election officer or any other person assisting a disabled voter shall attempt to influence the vote of such elector in any manner.

The written applications shall be kept by the clerk as a part of the records of the election and he shall, on the day of the election and before the polling places are closed, deliver to the proper board of election all such envelopes together with a list, compiled and signed by him, of the electors making application to vote in absentia.

The board of election shall verify all envelopes delivered to it by the clerk against the names appearing on the said list, open the envelopes and examine the elector's oath. If these are found to be in order, the ballots shall be removed from the envelopes and placed in the ballot box in the same manner as though the elector were personally present and voting; and the voter's name shall thereupon be subscribed in any polling book or other record kept at such election.

Approved March 30, 1987.

CHAPTER 180
(H.B. No. 134)

AN ACT

RELATING TO THE POWERS AND DUTIES OF THE PEACE OFFICERS STANDARDS AND TRAINING COUNCIL; AMENDING SECTION 19-5109, IDAHO CODE, TO EXEMPT PERSONS SERVING UNDER A TEMPORARY COMMISSION WITH A LAW ENFORCEMENT AGENCY IN TIMES OF NATURAL OR MAN-CAUSED DISASTER DECLARED TO BE AN EMERGENCY BY THE BOARD OF COUNTY COMMISSIONERS OR BY THE GOVERNOR FROM THE REQUIREMENT OF CERTIFICATION, TO EXEMPT PERSONS

WHO ARE ACTING UNDER A LIMITED COMMISSION FROM THE DEPARTMENT OF LAW ENFORCEMENT FROM THE REQUIREMENT OF CERTIFICATION, TO ALLOW THE COUNCIL TO ESTABLISH DIFFERENT CERTIFICATION CRITERIA FOR CERTAIN ADMINISTRATIVE LAW ENFORCEMENT PERSONNEL, TO REQUIRE PEACE OFFICERS TO BE CERTIFIED WITHIN ONE YEAR AFTER COMMENCING EMPLOYMENT AS A PEACE OFFICER, TO PROVIDE EXCEPTIONS, TO PROVIDE GROUNDS WHERE CERTIFICATION CAN BE WITHDRAWN FROM A PEACE OFFICER AND TO REQUIRE REPORTS WHEN A PEACE OFFICER RESIGNS OR IS TERMINATED.

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

SECTION 1. That Section 19-5109, Idaho Code, be, and the same is hereby amended to read as follows:

19-5109. POWERS OF THE COUNCIL -- STANDARDS OF TRAINING, EDUCATION AND EMPLOYMENT OF PEACE OFFICERS -- CERTIFICATION -- PENALTIES.

(a) It shall be the duty of and the council shall have the power:

(1) To establish the requirements of minimum basic training which peace officers shall complete in order to be eligible for permanent employment as peace officers, and the time within which such basic training must be completed.

(2) To establish the requirements of minimum education and training standards for employment as a peace officer in probationary, temporary, part-time, and/or emergency positions.

(3) To establish the length of time a peace officer may serve in a probationary, temporary, and/or emergency position.

(4) To approve, deny approval or revoke the approval of any institution or school established by the state or any political subdivision or any other party for the training of peace officers.

(5) To establish the minimum requirements of courses of study, attendance, equipment, facilities of all approved schools, and the scholastic requirement, experience and training of instructors at all approved schools.

(6) To establish such other requirements for employment, retention and promotion of peace officers, including minimum age, physical and mental standards, citizenship, moral character, experience and such other matters as relate to the competence and reliability of peace officers.

(7) To certify peace officers as having completed all requirements established by the council in order to be eligible for permanent employment as peace officers in this state.

(8) To receive and file for record copies of merit regulations or local ordinances passed by any political subdivision.

(9) To maintain permanent files and transcripts for all peace officers certified by the council to include any additional courses or advance courses of instruction successfully completed by such peace officers while employed in this state.

(10) To receive applications for financial assistance from the state and from political subdivisions and disburse available state funds to the state and to political subdivisions for salaries and allowable living expenses or any part thereof, as authorized by the council, incurred while in attendance at approved training

programs and schools. The annual reimbursements authorized by this section shall not exceed the funds available for such purpose and authorized by section 23-404, Idaho Code.

(b) After January 1, 1974, any peace officer as defined in section 19-5101(d), Idaho Code, employed after January 1, 1974, except any elected official, any ~~city police chief~~ deputy sheriff working as a detention officer in the county jail, or serving civil process, the superintendent of the Idaho state police, ~~and~~ or any person serving under a temporary commission with any law enforcement agency in times of natural or man-caused disaster declared to be an emergency by the board of county commissioners or by the governor of the state of Idaho, or those peace officers whose primary duties involve motor vehicle parking and animal control pursuant to city or county ordinance, or any peace officer acting under a special deputy commission from the department of law enforcement, shall be certified by the council within one (1) year of employment; provided, however, that the council may establish criteria different than that required of other peace officers for certification of city police chiefs or administrators within state agencies having law enforcement powers, who, because of the number of full-time peace officers they supervise, have duties which are primarily administrative. Any such chief of police or state agency administrator employed in such capacity prior to July 1, 1987, shall be exempt from certification.

(c) No peace officer shall have or exercise any power granted by any statute of this state to peace officers unless such person shall have been certified by the council within one (1) year of the date upon which such person commenced employment as a peace officer, except in cases where the council, for good cause and in writing, has granted additional time to complete such training. The council shall also have the power to withdraw the certification of any peace officer who is convicted or found guilty of any crime punishable by one (1) year in the county jail or any term of imprisonment in the state prison, or who is convicted of any crime of dishonesty. All proceedings taken by the council shall be done in accordance with chapter 52, title 67, Idaho Code.

(d) Any law enforcement agency as defined in section 19-5101(c), Idaho Code, in which any peace officer shall resign as a result of any disciplinary action or in which a peace officer's employment is terminated as a result of any disciplinary action, shall, within thirty (30) days of such action, make a report to the council.

Approved March 30, 1987.

CHAPTER 181
(H.B. No. 142)

AN ACT

RELATING TO PARKING PERMITS FOR CROSS-COUNTRY SKIING; AMENDING SECTION 49-3104, IDAHO CODE, TO INCREASE THE FEE CHARGED FOR PERMITS AND TO PROVIDE RECIPROCITY FOR OUT-OF-STATE VEHICLES DISPLAYING A

SIMILAR CROSS-COUNTRY SKIING PERMIT UPON CERTAIN CONDITIONS; AMENDING SECTION 49-3107, IDAHO CODE, TO INCREASE THE COMMISSION THAT AUTHORIZED VENDORS MAY RETAIN; AMENDING SECTION 67-7115, IDAHO CODE, AS ENACTED BY SECTION 4 OF HOUSE BILL NO. 85, FIRST REGULAR SESSION, FORTY-NINTH IDAHO LEGISLATURE, TO INCREASE THE FEE CHARGED FOR PERMITS, TO PROVIDE FINES AND TO PROVIDE RECIPROCITY FOR OUT-OF-STATE VEHICLES DISPLAYING A SIMILAR CROSS-COUNTRY SKIING PERMIT UPON CERTAIN CONDITIONS; AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 49-3104, Idaho Code, be, and the same is hereby amended to read as follows:

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

(2) A fee of ~~five~~ ten dollars ($~~5~~10.00) shall be charged for each permit.

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

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

(5) No parking permit shall be required under the provisions of this chapter for:

(a) A vehicle owned and operated by the United States, another state or a political subdivision thereof; ~~or~~

(b) A vehicle owned and operated by this state or by any county, city or political subdivision thereof; or

(c) A vehicle registered in another state, if that vehicle displays a similar cross-country skiing permit, but only to the extent that an exception or privilege is granted under the laws of that state for permit holders from this state.

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

SECTION 2. That Section 49-3107, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) The authorized vendor shall be entitled to receive a commission of ~~twenty-five cents~~ one dollar (~~$.25~~$1.00) on each permit sold, which sum may be retained as compensation for the sale of the permit.

(2) Seventy-five cents ($.75) shall be allotted to the department for the production of the permits and necessary administration expenses incurred by that department in carrying out the provisions of subsection (4) of section 49-3104, Idaho Code, which moneys shall be placed in the park and recreation account.

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

SECTION 3. That Section 67-7115, Idaho Code, as enacted by Section 4 of House Bill No. 85, First Regular Session, Forty-ninth Idaho Legislature, be, and the same is, hereby amended to read as follows:

67-7115. WINTER RECREATIONAL PARKING PERMIT -- FEE -- FINES -- PERMITS FOR SNOWMOBILE OWNERS -- EXEMPTIONS. (1) Except as hereinafter provided, no person shall, from November 15 of any year to April 30 of the next year, park a vehicle in a winter recreational parking location unless the vehicle displays a parking permit. The permit shall be permanently affixed on the side window of the vehicle nearest the driver's seat in such a manner that it is completely visible and shall be kept in a legible condition at all times.

(2) A fee of ~~five~~ ten dollars ($~~5~~10.00) shall be charged for each permit.

(3) All snowmobile owners shall, with the receipt of a certificate of number as provided in section 67-7103, Idaho Code, be entitled to receive from the department a parking permit at no cost. Snowmobile owners holding unexpired certificates of number issued prior to the date on which permits become available may obtain a permit at no cost upon presentation of the certificate to the department. The department shall require the presentation of suitable identification to verify that the certificate was issued to the person requesting the permit.

(4) No parking permit shall be required under the provisions of this chapter for a vehicle owned and operated by the United States, any state or a political subdivision of a state, or a vehicle registered in another state, if that vehicle displays a similar cross-country skiing permit, but only to the extent that an exception

or privilege is granted under the laws of that state for permit holders from this state.

(5) Any person who violates the provisions of subsection (1) of this section has committed an infraction and shall be punished with a fine of not less than twenty dollars ($20.00) or more than fifty dollars ($50.00). The fact that a motor vehicle which is illegally parked under the provisions of this chapter is registered in the name of a person shall be considered prima facie evidence that the person was in control of the vehicle at the time of parking.

SECTION 4. Sections 1 and 2 of this act shall be in full force and effect on and after July 1, 1987, and Section 3 of this act shall be in full force and effect on and after April 1, 1988.

Approved March 30, 1987.

CHAPTER 182
(H.B. No. 162)

AN ACT

RELATING TO THE DUTIES OF THE COUNTY SHERIFF REGARDING PRISONERS COMMITTED TO THE COUNTY JAIL; AMENDING SECTION 20-614, IDAHO CODE, TO DELETE LANGUAGE REQUIRING THE SHERIFF TO MAKE EVERY EFFORT TO SECURE SOME SUITABLE EMPLOYMENT FOR CERTAIN UNEMPLOYED PRISONERS AND TO DELETE LANGUAGE CONCERNING APPLICATION OF THE SECTION.

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

SECTION 1. That Section 20-614, Idaho Code, be, and the same is hereby amended to read as follows:

20-614. PRISONERS MUST BE ACTUALLY CONFINED EXCEPT ON ORDER OF COURT FOR PRIVATE EMPLOYMENT. 1. A prisoner committed to the county jail by any court for trial or examination, or upon conviction for a public offense, must be actually confined in the jail until he is legally discharged unless the court specifies otherwise; and if he is permitted to go at large out of the jail, except by virtue of a legal order or process it is an escape.

2. If the committed person has been regularly employed, the sheriff shall arrange for a continuation of said employment in so far as possible without interruption. ~~If he is not employed in any job the sheriff shall make every effort to secure some suitable employment.~~ Any prisoner so employed shall be paid a fair and reasonable wage for such work and shall work at fair and reasonable employment and hours per day and per week.

3. Whenever the prisoner is not employed, and between the hours or periods of his employment, he shall be confined in jail as an ordinary prisoner, unless the court shall direct otherwise.

4. The earnings of the prisoner shall be collected under the direction of the sheriff. From such earnings the sheriff shall pay the

prisoner's board and personal expenses both inside and outside the jail, and to the extent directed by the court pay the support of his dependents, if any, and, if sufficient funds are available after making the foregoing payments, pay in whole or in part the pre-existing debts of the prisoner. Any balance shall be retained until his discharge, whereupon such balance shall be paid to him.

5. In case of any violation of the conditions laid down for his conduct, custody and employment the prisoner shall be returned to the court, and the court may then require the balance of his sentence be spent in actual confinement and may cancel any earned diminution of his term.

6. The sheriff shall receive such extra compensation and mileage for the administration of this act as the county commissioners determine.

7. The court may also by its order authorize the use of a jail in a contiguous or other county where the prisoner is employed, and while the prisoner is so employed under this act such prisoner shall be in the other county's custody.

~~8.--The--provisions-of-this-act-shall-extend-to-any-person-committed-to-the-county-jail-by-any-court,-whether-for-contempt-or-upon-sentence-of-conviction-for-any-public-offense.~~

Approved March 30, 1987.

CHAPTER 183
(H.B. No. 185, As Amended in the Senate)

AN ACT

RELATING TO NUISANCES ON BUSES; AMENDING CHAPTER 55, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-5510, IDAHO CODE, TO PROHIBIT SMOKING ON A BUS WITH EXCEPTIONS, AND TO DEFINE TERMS.

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

SECTION 1. That Chapter 55, 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 39-5510, Idaho Code, and to read as follows:

39-5510. SMOKING ON BUSES. (1) Smoking of tobacco or other products in or upon any bus, except a charter bus, is a violation of the provisions of this chapter, and any person smoking tobacco or other products on a bus, except a charter bus shall be guilty of an infraction and shall be punished as provided in section 39-5507, Idaho Code.

(2) As used in this section:

(a) "Bus" means any passenger bus or coach or other motor vehicle having a seating capacity of fifteen (15) or more passengers operated by a bus company for the purpose of carrying passengers or cargo for hire.

(b) "Bus company" means any person, group of persons, associa-

tion, partnership, corporation or other recognized legal entity providing for-hire transportation to passengers or cargo by bus upon the highways in the state, including passengers and cargo in interstate or intrastate travel. These terms also include cities, counties, districts, public corporations, boards and commissions established under the laws of this state providing transportation to passengers or cargo by bus upon the highways in the state, whether or not for hire.

(c) "Charter" means a group of persons, pursuant to a common purpose and under a single contract, and at a fixed charge in accordance with a bus company's tariff, which has acquired the exclusive use of a bus to travel together to a specified destination or destinations, or special excursions to one (1) specific destination.

Approved March 30, 1987.

CHAPTER 184
(H.B. No. 192)

AN ACT

RELATING TO COUNTY FAIR BOARDS; AMENDING SECTION 22-202, IDAHO CODE, TO PROVIDE, IN COUNTIES IN WHICH THE POPULATION IS SEVENTY-FIVE THOUSAND OR LESS, FOR THE APPOINTMENT OF A FIVE OR SEVEN MEMBER BOARD TO SERVE STAGGERED TERMS, AND TO PROVIDE THAT APPOINTMENTS EXPIRE ON THE THIRD MONDAY IN JANUARY; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 22-202, Idaho Code, be, and the same is hereby amended to read as follows:

22-202. HEARING OF OBJECTIONS -- ORDER CREATING BOARD -- APPOINTMENT AND SELECTION OF MEMBERS. The board shall meet on the day fixed, at which time any voter or taxpayer residing within the county may appear and object to the form of the petition, the genuineness of the signatures, or may make any other objection as to the legality of the proceedings of the board; or, any pertinent objection or objections to the creation of the county fair board.

After hearing and considering the objections, if any, made to the proceedings or to the creation of a county fair board; the board shall, if it deems it for the best interests of the county that a county fair be conducted by the county, create a county fair board by an order duly spread upon its minutes.

(A) If the board in a county with a population of seventy-five thousand (75,000) persons or less orders the creation of a county fair board, it shall immediately appoint ~~not less than~~ either five (5) nor ~~more than~~ seven (7) persons to membership thereof, and shall fix the place within the county at which such fair shall be held, and make its

action a matter of record. The members shall as nearly as possible be selected from the different industries and localities of the county. ~~Such--members-so-appointed-shall-serve-until-the-third-Monday-in-January-following,-and-until-their-successors-are-appointed--and--qualify.~~ If seven (7) persons are appointed on January 18, 1988, appointments shall be made as follows: four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of four (4) years. Appointments shall expire on the third Monday in January.

If five (5) persons are appointed on January 18, 1988, appointments shall be made as follows: three (3) members shall be appointed for a term of two (2) years and two (2) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of three (3) years. Appointments shall expire on the third Monday in January. Any vacancy occurring on such county fair board shall be filled by appointment by the county commissioners at their first regular meeting after the occurrence of such vacancy.

(B) In a county with a population of seventy-five thousand one (75,001) or more persons, the board, if it orders the creation of a county fair board, shall immediately appoint either five (5) or seven (7) persons to membership thereon, in the manner provided herein.

If seven (7) persons are appointed on January 17, 1977, appointments shall be made as follows: four (4) members shall be appointed for a term of two (2) years and three (3) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of four (4) years. Appointments shall expire on the third Monday in January.

If five (5) persons are appointed on January 17, 1977, appointments shall be made as follows: three (3) members shall be appointed for a term of two (2) years and two (2) members shall be appointed for a term of three (3) years. Thereafter, each appointment shall be made for terms of three (3) years. Appointments shall expire on the third Monday in January.

County fair boards created after the effective date of this act shall be appointed for staggered terms assuming that the appointments are made on the third Monday in January.

SECTION 2. This act shall be in full force and effect on and after January 1, 1988.

Approved March 30, 1987.

CHAPTER 185
(H.B. No. 193)

AN ACT

RELATING TO THE REGISTRATION OF MOTOR VEHICLES; AMENDING SECTION 49-113, IDAHO CODE, TO PROVIDE FOR THE REISSUANCE OF PLATES EVERY

FIFTH YEAR INSTEAD OF EVERY SIXTH YEAR; AND AMENDING SECTION 49-126, IDAHO CODE, TO PROVIDE FOR EXTENDED REGISTRATION OF MOTOR VEHICLES FOR UP TO FIVE YEARS.

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~~ fifth 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 49-126, Idaho Code, be, and the same is hereby amended to read as follows:

49-126. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds, designed for the purpose of carrying passengers, and not used for hire shall be:

Vehicles one (1) and two (2) years old $36.00
Vehicles three (3) and four (4) years old 33.00
Vehicles five (5) and six (6) years old 25.80
Vehicles seven (7) and eight (8) years old 22.20
Vehicles over eight (8) years old 15.60

For the purpose of this subsection, the age of a motor vehicle shall be determined by subtracting the manufacturer's year designation of the vehicle from the year in which the fee designated is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicles shall be deemed to be one (1) year old for the purposes of this subsection. The term "manufacturer's year designation" shall mean the model year designated by the motor vehicle manufacturer, and not the year in which the vehicle is in fact manufactured.

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers ending in 1, and proceeding consecutively through December for holders of validation registration stickers ending in 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the date of beginning. Registration periods shall expire

midnight on the last day of the registration period in the year designated by the registration validation sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all motor vehicles, trailers and semitrailers equipped to carry passengers and operated primarily for hire exclusively within the limits of an incorporated city and adjacent thereto, when the service outside the city is a part of a regular service rendered inside the city, and for school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twelve dollars ($12.00).

(3) For all hearses, ambulances and wreckers the annual fee shall be twenty-nine dollars ($29.00), and these vehicles shall bear passenger car plates. No operator of a hearse, ambulance, or wrecker shall be entitled to operate them by virtue of any dealer's license that may have been issued under the provisions of this chapter.

(4) For all motorcycles the annual fee shall be six dollars ($6.00).

(5) The registration fees for utility trailers and rental utility trailers shall be:

Maximum Laden or Gross Weight (Pounds)	Annual Registration Fee Utility Trailers	Annual Registration Fee Rental Utility Trailers
Up to 2,000	$ 3.00	$ 6.00
2,001-5,000	6.00	12.00
5,001-8,000	10.00	18.00

(6) All vehicles required by subsections (2) through (5) of this section to be registered shall be issued number plates and validation stickers for a calendar year and shall expire midnight December 31.

(7) A motor vehicle may be registered by the department under the provisions of subsection (1), (2), (3), (4), or (5) of this section for a period of up to five (5) years. The length of the registration period shall be determined by the time remaining until the next general reissue of license plates required in section 49-113, Idaho Code. The extended registration fee shall be calculated by adding together the fees for each of the registration years according to the age of the vehicle from the fee schedule in subsection (1) of this section or from the fees required in subsections (2), (3) and (4) of this section. Registration fees shall not be subject to refund. Upon change of address the registrant shall report such change to the county

assessor and obtain a revised registration certificate within ten (10) days.

Approved March 30, 1987.

CHAPTER 186
(H.B. No. 201)

AN ACT

RELATING TO OPERATORS' AND CHAUFFEURS' LICENSES; AMENDING SECTION 49-318, IDAHO CODE, TO PROVIDE THAT A MEDICAL CONDITION STATEMENT MAY BE INCLUDED ON A LICENSE.

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

SECTION 1. That Section 49-318, Idaho Code, be, and the same is hereby amended to read as follows:

49-318. LICENSES ISSUED TO OPERATORS AND CHAUFFEURS. (a) The department shall issue to every applicant qualifying therefor an operator's or chauffeur's license as applied for, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address and a brief description of the licensee, and a space upon which the licensee shall write his or her usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Every operator's and chauffeur's license shall bear thereon a color photograph of the licensee, which shall be taken by the examiner at the time the original application is made for an Idaho operator's or chauffeur's license. Such photograph shall likewise be taken upon each subsequent renewal of the operator's or chauffeur's license and in all cases shall be taken without headgear or other clothing or device that disguises or otherwise conceals the face or head of the applicant.

(c) Operators' and chauffeurs' licenses shall bear thereon, in a manner and form to be prescribed by the department, a place for the licensee to indicate his or her desire to donate any or all of his or her organs in the event of death, pursuant to the provisions for donation of anatomical gifts as set forth in chapter 34, title 39, Idaho Code. A license may contain a statement or indication of the medical condition of the licensee.

(d) No public entity or employee shall be liable for any loss, detriment, or injury resulting directly or indirectly from any typographical error, false or inaccurate information contained in any application forms or any other forms furnished, put out, or provided for by the department pursuant to chapter 3, title 49, Idaho Code. If an error is made by a public entity or employee, a corrected copy of the document involved shall be made available without charge to any

person affected.

Approved March 30, 1987.

CHAPTER 187
(H.B. No. 224, As Amended in the Senate)

AN ACT

RELATING TO AGRICULTURAL PESTS OR DISEASES; AMENDING SECTION 22-1901, IDAHO CODE, TO PROVIDE PROCEDURES IF A DEPARTMENT OF AGRICULTURE INSPECTOR DISCOVERS AN IMMINENT POTENTIAL THREAT OF ANY DISEASE OR PESTS, EGGS, OR LARVAE OF ANY PESTS INJURIOUS TO FRUITS, PLANTS, TREES, SHRUBS OR VINES.

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

SECTION 1. That Section 22-1901, Idaho Code, be, and the same is hereby amended to read as follows:

22-1901. NOTICE TO DESTROY PESTS OR DISEASES. If, upon any inspection, there be is found any disease or pests, eggs, or larvae of any pests injurious to fruits, plants, trees, shrubs or vines, or an imminent potential threat of any disease or pests, eggs, or larvae of any pests injurious to fruits, plants, trees, shrubs or vines, the inspector of the department of agriculture shall notify the owner or owners or the person or persons in charge or in possession of such places, fields, orchards, nurseries, trees, plants, shrubs, vines, fruits or other articles, as aforesaid. The inspector shall require such person or persons to eradicate or destroy said injurious pests or insects or their eggs or larvae within a reasonable time to be specified. Said notice shall be served in person or in writing on said person or persons or either of them owning or having in charge or in possession such infested places, rights-of-way, fields, orchards, nurseries, trees, shrubs, vines, plants, fruits or other articles as visited by the inspector, or it may be served in the same manner as a summons in a civil action.

Approved March 30, 1987.

CHAPTER 188
(H.B. No. 262, As Amended in the Senate)

AN ACT

RELATING TO PURE SEED LAW; AMENDING SECTION 22-414, IDAHO CODE, TO PROVIDE NEW DEFINITIONS, TO CLARIFY DEFINITIONS AND TO ALPHABETIZE DEFINITIONS; AMENDING SECTION 22-415, IDAHO CODE, TO EXPAND LABEL REQUIREMENTS FOR AGRICULTURAL, VEGETABLE, FLOWER, TREE AND SHRUB SEEDS; AMENDING SECTION 22-416, IDAHO CODE, TO EXPAND AND CLARIFY

UNLAWFUL ACTS RELATING TO THE SALE, LABELING, ADVERTISING AND TRANSPORTING OF SEEDS AND TO DELETE ENUMERATION OF CERTAIN WEED SEEDS; AMENDING SECTION 22-417, IDAHO CODE, TO CLARIFY EXEMPTIONS FROM LABEL REQUIREMENTS AND FROM CERTAIN UNLAWFUL ACTS; AMENDING SECTION 22-418, IDAHO CODE, TO EXPAND THE DUTIES AND AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE; REPEALING SECTION 22-419, IDAHO CODE; AMENDING CHAPTER 4, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-419, IDAHO CODE, TO REQUIRE PERSONS SUBJECT TO THE PROVISIONS OF THIS CHAPTER TO MAINTAIN CERTAIN RECORDS; AMENDING SECTION 22-420, IDAHO CODE, TO ALLOW FOR THE SEIZURE OF ANY SEED WHICH DOES NOT MEET THE REQUIREMENTS OF THIS CHAPTER; AMENDING SECTION 22-421, IDAHO CODE, TO ENUMERATE VIOLATIONS, TO PROVIDE CRIMINAL PENALTIES AND TO PROVIDE PROSECUTION PROCEEDINGS BY THE DIRECTOR; AMENDING CHAPTER 4, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-421A, IDAHO CODE, TO PROVIDE FOR INJUNCTION; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 22-414, Idaho Code, be, and the same is hereby amended to read as follows:

22-414. DEFINITIONS. When used in this act--:

~~(a)--The term "person" shall include any individual,--partnership, corporation, company, society, or association.~~

(~~h~~1) ~~The--term~~ "~~a~~Advertisement" means all representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of the ~~act~~ chapter.

(~~c~~2) ~~The--term~~ "~~a~~Agricultural seeds" ~~shall~~ include the seeds of grass, forage, cereal and fiber crops and any other kinds of seeds commonly recognized within this state as agricultural, turf, or field seeds, and mixtures of such seeds.

(3) "Certifying agency" means:

(a) An agency authorized under laws of a state, territory, or possession to officially certify seed and which has standards and procedures approved by the U. S. secretary of agriculture to assure the genetic purity and identity of the seed certified; or

(b) An agency of a foreign country determined by the U. S. secretary of agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by seed certifying agencies under paragraph (a) of this subsection.

(4) "Crop seed" means any agricultural, vegetable or flower seed, other than the pure seed, present in a lot of seed and which weighs less than five percent (5%) of the total weight of the lot.

(~~b~~5) ~~The term~~ "~~d~~Director" means the director of the department of agriculture of the state of Idaho.

(~~i~~6) ~~The term~~ "~~f~~Flower seeds" includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seeds in this state.

(7) "Grower's or collector's declaration" means a statement signed by the grower or collector giving for any lot of seed the lot

number, the kind, the variety, origin, and weight.

(8) "Hard seed" means any viable agricultural, vegetable or flower seed that fails to germinate within the prescribed germination period due to an impermeable seed coat.

(9) "Hybrid" means the first generation seed of a cross produced by controlling the pollination and by combining one (1) of three (3) combinations:

(a) Two (2) or more inbred lines;

(b) One (1) inbred or a single cross with an open pollinated variety; or

(c) Two (2) varieties or species, except open pollinated varieties of corn (Zea mays).

The second generation or subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names.

(10) "Inert matter" means the collective parts of incomplete plants, seeds, seedlike structures and other nonseed particles present in a lot of seed.

~~(o)~~ ~~(m~~11) ~~The term~~ "~~i~~In-state seed dealer" means any seed dealer with an established plant, warehouse or place of business in the state of Idaho.

(~~i~~12) ~~The--term~~ "~~k~~Kind" means one or more related species or subspecies which singly or collectively is known by one ~~(1)~~ common name, for example, as wheat, oat, vetch, sweet clover, cabbage, cauliflower~~,--and--so--forth~~.

(~~g~~13) ~~The term~~ "~~l~~Labeling" includes all labels, and other written, printed, or graphic representations~~,~~ in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and includes invoices.

(~~k~~14) ~~The term~~ "~~l~~Lot of seed" means a definite quantity of seed identified by a lot number or other lot identification every portion or bag of which is uniform~~;~~, within permitted tolerances, for the factors which appear in the labeling.

(~~f~~15) "Noxious weed seeds" ~~shall be~~ mean the seeds of any plant which is determined by the director to be injurious to public health, crops, livestock, land or other property. They are divided into two (2) classes:~~;--"primary--noxious--weed--seeds"--and--"secondary--noxious--weed seeds"--as--defined--in--(1)--and--(2)--of--this--subsection;--provided,--that the--director--may,--through--promulgation--of--regulations,--add--to--or--subtract--from--the--list--of--seeds--included--under--either--definition--whenever he--finds--after--public--hearing--that--such--additions--or--subtractions--are within--the--respective--definitions;--provided,--further--that--such--additions--or--subtractions--may--not--become--effective--in--less--than--thirty (30)--days--after--the--date--of--such--promulgation.~~

(~~l~~a) "~~Primary~~ Prohibited noxious weed seeds" are the seeds of ~~perennial--weeds--such--as--not--only--reproduce--by--seed,--but--also spread--by--underground--roots--or--stems,--and which, when established, are highly destructive and difficult to control in this state by ordinary good cultural practices.

~~"Primary--noxious--weed--seeds"--in--this--state--are--the--seeds--of: Bindweed--Convolvulus--arvensis;--Quackgrass--Agropyron--repens;--Canada thistle--Circium--arvense;--Perennial--sowthistle--Sonchus--arvensis;~~

~~Whitetop---Lepidium--draba--L.---and--Hymenophysa--pubescens;--St. Johnswort-Hypericum-perforatum;-Russian-knapweed-Centaurea--picris Pall.;---leafy--spurge--Euphorbia--esula;--Silver-leaf--nightshade Solanum-elaeagnifolium;-Austrian-field--cress--Rorippa--austriaca; Perennial--groundcherry---Physalis---subglabrata--and--Camelthorn Alhagicamelorum.~~

(~~2~~b) "Secondary Restricted noxious weed seeds" are the seeds of such weeds as are very objectionable in fields, lawns, or gardens ~~of-this-state,~~ but can be controlled by good cultural practices. ~~"Secondary--noxious--weed--seeds"--in--this-state-are-the-seeds-of Dodder,-Cuscuta-spp.;--Perennial--ragweed--Ambrosia--psilostachya; Povertyweed-Iva-axillaris;-Buckthorn-plantain-Plantago-lanceolata; Blue--flowering--lettuce--Lactuca-pulchella;-Puncture-vine-Tribulus terrestris;-Yellow-star-thistle-Centaurea-solstitialis;-wild--oats Avena-fatua;-and-Halogeton-Halogeton-glomeratus.~~

The director shall publish and maintain a list of all noxious weeds, which shall also be included in the rules and regulations of the department of agriculture. Pursuant to administrative rules, the director may add to or subtract from the list of seeds included under either definition. Any addition or subtraction is effective thirty (30) days after publication.

(16) "Origin" for an indigenous stand of trees is the area on which the trees are growing; for a nonindigenous stand, it is the place from which the seeds or plants were originally introduced.

~~[p]~~(n17) ~~The-term~~ "o~~O~~ut-of-state seed dealer" means any seed dealer selling or shipping seed into the state of Idaho without owning an established plant, warehouse or place of business in Idaho.

(18) "Person" shall include any individual, partnership, corporation, company, society or association.

(19) "Private hearing" may consist of a discussion of facts between the person charged with a violation of the provisions of this chapter and the enforcement officer.

(20) "Record" is all information relating to a shipment of seed and must include a file sample of each lot of seed, purity, and current germination test documentation. For tree and shrub seed, the record must also include all documents supporting the statement of origin and elevation of the seed.

~~[n]~~ (~~1~~21) ~~The--term~~ "s~~S~~eed dealer" means any person that lets it be known by any means or manner that he has seed offered for sale.

(22) "Stop sale" means an administrative order restraining the sale, use, disposition, and movement of a designated seed lot.

(m23) ~~The--term~~ "t~~T~~ree seed and shrub seed" includes seeds of woody plants commonly known and sold as tree seed and shrub seeds ~~in this-state.~~

(~~j~~24) ~~The--term~~ "v~~V~~ariety" means a subdivision of a kind which is characterized by growth, plant, fruit, seed or other characteristics by which it can be differentiated from other sorts of the same kind~~; for-example;-Marquis--wheat;--Flat--Dutch--cabbage;--Manchu--soybeans; Oxheart-carrot;-and-so-forth.~~

(d25) ~~The-term~~ "v~~V~~egetable seeds" ~~shall-include~~ mean the seeds of those crops which are grown in gardens or on truck farms and are generally known and sold under the name of vegetable seeds ~~in--this~~

~~state.~~

(e26) ~~The term~~ "~~w~~Weed seeds" ~~shall include~~ mean the seeds of all plants ~~generally~~ recognized as weeds ~~within this state, and shall include noxious weed seeds~~ by the director.

SECTION 2. That Section 22-415, Idaho Code, be, and the same is hereby amended to read as follows:

22-415. LABEL REQUIREMENTS -- AGRICULTURAL, VEGETABLE, FLOWER, TREE AND SHRUB SEEDS. Before ~~e~~Each container of ~~agricultural--or vegetable~~ seed ~~which~~ is sold, offered for sale, exposed for sale, or delivered under a contract within this state for sowing purposes, it shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the following information:

(~~a~~1) For agricultural seeds-- and mixtures:

(~~1~~a) ~~Commonly--accepted~~ The name of ~~(a)~~ the kind~~,~~ or ~~(b)~~ the kind and variety~~,~~ of each agricultural seed component in excess of five per cent (5%) of the whole, and the percentage by weight of each ~~in--the--order--of--its--predominance~~ pure seed. Where When more than one (1) ~~component~~ pure seed is ~~required-to-be-named~~ present, the word "mixture" or the word "mixed" and the name of the mixture shall be shown conspicuously on the label. Hybrids shall be labeled as hybrids.

(~~2~~b) Lot number or other lot identification.

(~~3~~c) Origin by state or foreign country, if known. If the origin is unknown, that fact shall be stated.

(~~6~~d) Percentage by weight of ~~agricultural~~ all other crop seeds ~~(which--may--be--designated--as--"crop--seeds")--other--than-those required-to-be-named-on-this-label~~ combined, none of which individually exceeds five percent (5%) of the total weight. If a mixture contains no crop seed, that shall be stated or shown.

(~~7~~e) Percentage by weight of inert matter.

(~~4~~f) Percentage by weight of all weed seeds.

(~~5~~g) The name and ~~approximate-number~~ rate of occurence per pound of each kind of ~~secondary~~ restricted noxious weed seed ~~per--pound~~ present. All determinations of noxious weed seeds shall be subject to tolerances and methods of determination prescribed in the rules and regulations under this ~~act~~ chapter.

(~~8~~h) Germination f~~F~~or each named agricultural seed:

(~~A~~i) Percentage of germination, exclusive of hard seed;

(~~B~~ii) Percentage of hard seed, if present;

(~~C~~iii) The calendar month and year the test was completed to determine such the percentages. ~~Following--(A)--and--(B)--the "total--germination--and--hard-seed"-may-be-stated-as-such-if desired.~~

(iv) A tetrazolium test is deemed sufficient to meet germination labeling requirements if the species is included in the director's published list.

(~~9~~i) Name and address of the person who labeled ~~said~~ the seed, or who sells~~,-offers-for-sale,-or-exposes-for-sale,~~ or delivers seed under a contract, ~~for-seeding-purposes-within-this-state~~ or his

federal consumer marketing service number or agricultural marketing service number.

(~~b~~2) For vegetable seeds-- in packets or preplanted containers, mats, tapes or other planting devices:

(~~1~~a) Name of kind ~~and variety~~ of seed;

(b) Lot identification;

(c) The year for which the seed was packed for sale, or the percentage of germination and the calendar month and year the germination test was completed.

(~~2~~d) For seeds which germinate less than the standard last established by the director in the rules and regulations promulgated under this ~~act, except seed delivered under a contract for seeding purposes.~~ chapter:

(~~A~~i) Percentage of germination, exclusive of hard seed;

(~~B~~ii) Percentage of hard seed, if present;

(~~C~~iii) The calendar month and year the test was completed to determine such percentages;

(~~D~~iv) The words "Below Standard" in not less than 8-point type;

(v) A tetrazolium test is deemed sufficient to meet germination labeling requirements if the species is included in the director's published list.

(e) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds, a statement to indicate the minimum number of seeds in each container.

(~~3~~f) Name and address of the person who labeled ~~said~~ the seed, or who sells~~, offers for sale, or exposes for sale,~~ or delivers seed under a contract ~~within this state~~, or his federal consumer marketing service number or agricultural marketing service number.

(3) For vegetable seeds, in mixtures, in bulk, or in containers other than packets and preplanted containers, mats, tape, or other devices:

(a) The name of each kind and variety present in excess of five percent (5%) of the whole, and the percentage by weight of each in order of predominance;

(b) Lot identification;

(c) Germination for each named vegetable seed;

(i) Percentage germination exclusive of hard seed;

(ii) Percentage of hard seed, if present;

(iii) The calendar month and year the germination test was completed;

(iv) A tetrazolium test is deemed sufficient to meet germination labeling requirements if the species is included in the director's published list.

(d) The labeling requirements for vegetable seeds in containers of more than eight (8) ounces shall be satisfied if the seed is weighed from an accurately labeled container in the presence of the purchaser.

(e) Name and address of the person who labeled the seed, or his federal consumer marketing service number or agricultural marketing service number.

(c4) For flower seeds--:
(1a) The name of the kind and variety or a statement of type and performance;
(2b) The calendar month and year for which the seed was tested or the year the seed was packaged;
(3c) The name and address of the person who labeled said or who sells the seed,--or-who-sells,-offers,-or-exposes-said--for-sale within-this-state; or his federal consumer marketing service number or agricultural marketing service number;
(d) In packets or preplanted containers, mats, tapes or other planting devices, and in addition to the requirements of paragraphs (a) through (c) of subsection (4) of this section:
(i) The minimum number of seeds in the container;
(ii) The percentage of germination exclusive of hard seed for those seeds which germinate less than the germination standards established in the rules and regulations promulgated under this chapter; and
(iii) The words "Below Standard" in not less than 8-point type.
(e) In containers other than packets or preplanted containers, mats, tapes or other planting devices, and in addition to requirements of paragraphs (a) through (c) of subsection (4) of this section:
(4i) Lot number or other lot identification.;
(ii) Percentage germination exclusive of hard seed, and the percentage of hard seed, if present.
(d5) For shrub-seed-and tree and shrub seed--:
(1a) Commonly-accepted name of (a)-kind-or-(b)-kind--and--variety the species;
(b) The scientific name of the genus and species;
(2c) Lot number or other lot identification;
(3d) Origin, if known. If the origin is unknown that fact shall be stated.
(i) For seed collected from a predominantly indigenous stand, the area of collection given by latitude and longitude, geographic description, or political subdivision.
(ii) For seed collected from other than a predominantly indigenous stand, identify the area of collection and the origin of the stand, or state "origin not indigenous."
(e) The elevation, or the upper and lower limits of elevations, within which the seed was collected.
(f) Purity as a percentage of pure seed by weight.
(g) For those species for which standard germination testing procedures are prescribed by the director:
(4)--Percentage-by-weight-of:
(A)--Pure-seed;
(B)--Inert-matter;
(C)--Other-crop-seed
(D)--Weed-seed.
(5)--The--name--and--approximate--number-of-each-kind-of-secondary noxious-weed-seed-per-pound;
(6i) Percentage germination and-percentage exclusive of hard

seed ~~or dormant seed (if present)~~;

(ii) Percentage of hard seed, if present;

~~(7~~iii) The calendar year and month the germination test was completed.

(h) Transported in bulk, an invoice is sufficient to meet labeling requirements when the container is identified with a lot number.

(i) The name and address of the person who sells the seed or his federal consumer marketing service number of agricultural marketing service number.

(6) For all agricultural, vegetable, flower, tree and shrub seeds treated to prevent contamination, infection or disease:

(a) A word or statement indicating the seed has been treated;

(b) The common or generic name of the applied substance, or description of the process used;

(c) A caution or poison statement if the amount present with the seed is harmful or toxic to humans and other vertebrate animals; and

(d) An expiration date of any inoculant applied to the seed.

(7) For agricultural seeds coated with any substance which changes the size, shape or weight of the original seed:

(a) Percentage of pure seeds with coating material removed;

(b) Percentage of coating material; and

(c) Percentage of germination.

SECTION 3. That Section 22-416, Idaho Code, be, and the same is hereby amended to read as follows:

22-416. PROHIBITIONS. (~~a~~1) It shall be unlawful for any person to sell, offer for sale, expose for sale, or deliver under a contract any ~~agricultural or vegetable~~ seed within the state--:

(~~1~~a) Unless the test to determine the percentage of germination required by section 22-415, Idaho Code, shall have been completed within a fifteen (15) month period, exclusive of the calendar month in which the test was completed immediately prior to sale, exposure for sale, ~~offering~~ or offered for sale or transportation ~~or delivered under a contract for seeding purposes. Provided, that if any~~. This prohibition does not apply to tree and shrub seeds or agricultural or vegetable seed ~~is treated or packaged under conditions--which the director finds will prolong the viability of such seed, such as~~ in hermetically sealed containers~~, the~~. The director may by regulation prescribe a longer period than otherwise stated herein, and the conditions and methods of treat~~ment and/~~or packaging and labeling which he deems to be necessary to maintain the identification and viability of such seed.

(~~2~~b) Not labeled in accordance with the provisions of this ~~act~~ chapter, or having false or misleading labeling.

(~~3~~c) Pertaining to which there has been a false or misleading advertisement.

(~~4~~d) Containing ~~primary~~ prohibited noxious weed seeds.

(~~5~~e) Containing ~~secondary~~ restricted noxious weed seeds singly or collectively in excess of-- tolerances as provided by the rules

and regulations of the department.

~~(A)--Five-(5)-seeds-in-50-grams-of-Agrotis-species,-Poa--species,-Rhodes-grass,-Bermuda-grass,-timothy,-celery,-and-other agricultural-or-vegetable-seed-of-similar-size-and-weight,-or mixtures-within-this-group;~~

~~(B)--Five--(5)--seeds--in--each--50--grams--of--Ballis-grass, ryegrass,--fescue--species,--foxtail--millets,--alfalfa,--red clover,---sweet---clover,---lespedeza,---bromegrass,--crested wheatgrass,-Brassica-species,-carrot,-onion,-and-other--agricultural--or--vegetable--seeds--of-similar-size-and-weight-or mixtures-within-this-group,-or-mixtures-of--this--group--with those-in-group-A;~~

~~(C)--Five--(5)--seeds--in--50--grams--of-alsike-clover,-white clover-and-other-agricultural-or-vegetable-seeds--of--similar size--and--weight,--or--mixtures--of-this-group-with-those-in group-A-or-group-B;~~

~~(D)--Five-(5)-seeds-in-each-150-grams-of-Proso-millet,--Sudan grass,--and--seeds-of-similar-size-and-weight,-or-mixtures-of seeds-within-this-group;~~

~~(E)--Five-(5)-seeds-in-each-500-grams-of--wheat,--oats,--rye, barley,--buckwheat,--sorghums,-vetches,-field-peas,-and-other seeds-of-a-size-and-weight-similar-to-or-greater--than--those within-this-group,-or-any-mixtures-within-this-group.~~

~~(6)--Containing-more-than-one-percent-(1%)-by-weight-of-weed-seeds inclusive--of--secondary-noxious-weed-seeds-referred-to-in-section 22-414(f)(2),-Idaho-Code,-provided,--that--five--percent--(5%)--of cheat,--chess--or--downy--brome--shall-be-allowed-in-grass-seed-in which-these-weeds-are-found.~~

(~~7~~f) By Labeled a variety name not certified by an official seed certifying agency when it is a variety for which a United States certificate or application for certificate of plant variety protection under the federal "Plant Variety Protection Act" specifies sale only as a class of certified seed.

(g) If the crop seed rye (Secale cereale) is present in wheat, oats or barley.

(~~b~~2) It shall be unlawful for any person within this state--:

(~~1~~a) To detach, alter, deface, or destroy any label provided for in this ~~act~~ chapter or the rules and regulations made and promulgated thereunder, or to alter or substitute seed, in a manner that may defeat the purposes of this ~~act~~ chapter.

(~~2~~b) To disseminate any false or misleading advertisement concerning ~~agricultural-or-vegetable~~ seeds in any manner or by any means.

(~~3~~c) To hinder or obstruct in any way any authorized person in the performance of his duties under this ~~act~~ chapter.

(~~4~~d) To fail to comply with a "stop-sale" order.

(~~5~~e) To ship, deliver, transport, or sell ~~agricultural---or vegetable~~ seeds treated with any substance likely to be poisonous to human beings or animals unless there is conspicuously shown in red letters on the analysis tag or label, or on a separate tag or container, the words "poison treated" or other appropriate warning adequate to protect the public. It is unlawful to sell or divert

seed so treated for use or for processing either for human or animal consumption.

(6f) To transport ~~away from the place where cleaning occurred any screenings removed--during the process of cleaning field, flower, or garden seeds which--contain--any--seeds--of--noxious--weeds--as described--in this act unless such screenings have been treated by grinding or other means so as to prevent the--germination--of--the noxious--weed--seeds: provided, that the director may give written permission for removal of screenings to another point for grinding or processing by other means to--prevent--germination--of--noxious weed--seed contained therein~~ containing noxious weed seeds without proper covering or tarping, or containerizing or boxing, to prevent noxious weed seed dissemination. All screenings containing noxious weed seeds must be processed to eliminate germination.

(g) To return to a seed dealer treated seed in open bags except for storage purposes.

SECTION 4. That Section 22-417, Idaho Code, be, and the same is hereby amended to read as follows:

22-417. EXEMPTIONS. (~~a~~1) The provisions of sections 22-415 and 22-416, Idaho Code, shall not apply--:

(~~1~~a) To seed or grain not intended for ~~other than~~ sowing purposes.

(~~2~~b) To seed in storage in, or consigned to, a seed cleaning or processing establishment for cleaning or processing~~: Provided;~~ provided, that any labeling or other representation which may be made with respect to the uncleaned or unprocessed seed shall be subject to this ~~act~~ chapter.

(~~3~~2) ~~Any~~ No person shall be subject to the penalties of this ~~act~~ chapter for having sold or offered~~, exposed~~ for sale~~, or delivered under a contract in this state,~~ any ~~agricultural or vegetable~~ seeds~~,~~ which were incorrectly labeled or misrepresented as to kind, variety, type, or origin and elevation, ~~which~~ when the seeds cannot be differentiated by examination ~~thereof, when~~ unless he has failed to obtain reasonable documentation as an invoice, or grower's declaration~~giving kind, or kind and variety, or kind and type, and origin, if required, and to take such other precautions as may be necessary~~ or other labeling to ~~insure~~ verify the ~~identity to be that stated~~ contents.

SECTION 5. That Section 22-418, Idaho Code, be, and the same is hereby amended to read as follows:

22-418. DUTIES AND AUTHORITY OF DIRECTOR. ~~(a)~~ The duty of enforcing the provisions of this ~~act~~ chapter and carrying out its provisions and requirements shall be vested in the director~~. It shall be the duty~~ pursuant to section 22-103, Idaho Code. Additional duties of ~~such officer,~~ the director or his authorized agents-- shall include. but are not limited to, the following:

(1) To establish and maintain or make provision for seed testing facilities.

(~~3~~2) To have analyses and tests of samples of seed made as ~~he may~~

deem necessary.

(3) To make or provide for making purity and germination tests of seeds for farmers and dealers on request.

(4) The director of agriculture may by regulation set the fees to be collected. Fees so collected shall be paid into the state treasury and credited to the agriculture department inspection account, created in section 22-104, Idaho Code, and such fees shall be used only to pay the costs of operating the state seed laboratory.

(5) To enter upon any public or private premises during regular business hours in order to have access to seeds subject to this chapter.

(~~1~~6) To sample and inspect agricultural ~~and~~, vegetable, flower, tree and shrub seeds transported, sold, offered or exposed for sale, or delivered under a contract within this state for sowing purposes, at such time and place and to such extent as he may deem necessary to determine whether ~~said--agricultural--or--vegetable~~ the seeds are in compliance with the provisions of this ~~act~~ chapter, and to notify promptly the person who transported, sold, offered or exposed the seed for sale of any violation.

(7) To issue and enforce a "stop-sale" order to the owner or custodian of any lot of seed which is in violation of any of the provisions of this chapter, which order shall prohibit further sale or delivery under a contract of the seed until such officer has evidence that the law has been complied with; provided, that in respect to seeds which have been denied sale as provided in this paragraph, the owner or custodian of such seeds shall have the right to appeal from such order to the district court of the county in which the seeds are found, praying for a judgment as to the justification of the order and for the discharge of such seed from the order prohibiting the sale in accordance with the findings of this court; and provided further, that the provisions of this paragraph shall not be construed as limiting the right of the enforcement officer to proceed as authorized under other sections of this chapter.

(8) To cooperate with the United States department of agriculture and other agencies in seed law enforcement.

(~~2~~9) To prescribe and adopt rules and regulations governing:

(a) T~~t~~he methods of sampling, inspecting, analysis tests and examination of ~~agricultural-and-vegetable~~ seed, and the tolerances ~~to be followed~~ in the administration of this ~~act~~ chapter, which shall be in general accord with officially prescribed practice in interstate commerce; ~~;-and-such-other-rules-and-regulations-as-may be-necessary-to-secure-the-efficient-enforcement-of-this-act.~~

(b) Reasonable standards of germination for vegetable seeds and flower seeds;

(c) Labeling of flower seeds;

(d) A list of the kinds of flower seeds subject to the flower seed germinations labeling requirements;

(e) A list of the tree and shrub species subject to germination labeling requirements;

(f) A list of species that may be tetrazolium tested in lieu of germination testing.

~~(b)--Further,-for-the-purpose-of-carrying-out--the--provisions--of~~

~~this--act--the-director-individually-or-through-his-authorized-agents, is-authorized-to--~~

~~(1)--To-enter-upon-any-public-or-private-premises--during--regular business-hours-in-order-to-have-access-to-seeds-subject-to-the-act-and the-rules-and-regulations-thereunder;~~

~~(2)--To--issue--and-enforce-a-written-or-printed-"stop-sale"-order to-the-owner-or-custodian-of-any-lot-of-agricultural-or-vegetable-seed which-the-director-or-his-authorized-agents-find-is--in--violation--of any--of-the-provisions-of-this-act,-which-order-shall-prohibit-further sale-or-delivery-under-a-contract-of-such-seed-until-such-officer--has evidence--that--the--law--has--been--complied--with;-provided,-that-in respect-to-seeds-which-have-been-denied-sale-as-provided-in-this-paragraph,-the-owner-or-custodian-of-such-seeds-shall-have--the--right--to appeal--from--such--order-to-the-district-court-of-the-county-in-which the-seeds-are-found,-praying-for-a-judgment-as-to-the-justification-of said-order-and-for-the-discharge-of-such-seed-from-the--order--prohibiting-the-sale-in-accordance-with-the-findings-of-this-court;-and-provided-further,-that-the-provisions-of-this-paragraph-shall-not-be-construed--as-limiting-the-right-of-the-enforcement-officer-to-proceed-as authorized-by-other-sections-of-this-act;~~

~~(3)--To-cooperate-with-the-United-States-department-of-agriculture in-seed-law-enforcement;~~

SECTION 6. That Section 22-419, Idaho Code, be, and the same is hereby repealed.

SECTION 7. That Chapter 4, 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 22-419, Idaho Code, and to read as follows:

22-419. RECORDS. Each person whose name appears on the label as handling agricultural, vegetable, flower or tree and shrub seeds subject to the provisions of this chapter shall keep for a period of two (2) years complete records of each lot of agricultural, vegetable, flower or tree and shrub seed handled and keep for one (1) year a file sample of each lot of seed after final disposition of the lot. All such records and samples pertaining to every shipment shall be accessible for inspection by the director or his agent during customary business hours.

SECTION 8. That Section 22-420, Idaho Code, be, and the same is hereby amended to read as follows:

22-420. SEIZURE. Any lot of ~~agricultural-or-vegetable~~ seed not in compliance with the provisions of this ~~act~~ chapter shall be subject to seizure on complaint of the director to ~~the--district--court--of--the county~~ a court of competent jurisdiction in the locality in which the seed is located. In the event that the court finds the seed ~~to-be--in violation--of~~ does not meet the requirements set out in this ~~act~~ chapter and orders the condemnation of ~~said~~ the seed, it shall be denatured, processed, destroyed, relabeled, or otherwise disposed of

in compliance with the laws of this state~~t~~; provided, that in no instance shall the court order such disposition of said seed without first having given the defendant an opportunity to apply to the court for release of the seed or permission to process or relabel ~~it to bring it into~~ for compliance with the provisions of this ~~act~~ chapter. Release of said seed shall be made only upon proof of compliance.

SECTION 9. That Section 22-421, Idaho Code, be, and the same is hereby amended to read as follows:

22-421. VIOLATIONS ~~AND~~, PROSECUTIONS AND PENALTIES. Every violation of the provisions of this ~~act and the regulations promulgated thereunder~~ chapter shall be deemed a misdemeanor punishable by a fine not exceeding ~~three hundred dollars ($300)~~ one thousand dollars ($1,000) and up to one (1) year in jail.

Violations shall include, but are not limited to, mislabeling of variety, mislabeling prohibited noxious weed seeds, exceeding restricted noxious weed tolerances, failure to keep records as specified in section 22-419, Idaho Code, mislabeling purity or germination percentages, and any other intentional mislabeling.

When the director or his authorized agents shall find that any person has violated any of the provisions of this ~~act~~ chapter, he or his duly authorized ~~agent or~~ agents may institute proceedings in ~~the district court of~~ a court of competent jurisdiction in the county in which the violation occurred, ~~to have such person convicted therefor;~~ or the director may file with the attorney general~~, with the view of prosecution;~~ such evidence as may be deemed necessary~~t Provided;~~ provided, however, that the director may permit the defendant to appear before the director to introduce evidence either in person or by agent or attorney at a private hearing. If, after such hearing, or without such hearing in case the defendant or his agent or attorney fails or refuses to appear, the director is of the opinion that the evidence warrants prosecution, he shall proceed as herein provided.

It shall be the duty of the prosecuting attorney of the county in which the violation occurred to institute proceedings at once against any person charged with a violation of this ~~act~~ chapter, if, in the judgment of ~~such~~ the officer the information submitted warrants ~~such~~ action.

After judgment by the court in any case arising under this ~~act~~ chapter, the director shall publish any information pertinent to the issuance of the judgment by the court in such media as he may designate from time to time.

SECTION 10. That Chapter 4, 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 22-421A, Idaho Code, and to read as follows:

22-421A. INJUNCTION. When in the performance of his duties the director applies to any court for a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this chapter or any rules and regulations promul-

gated under this chapter, the injunction is to be issued without bond.

SECTION 11. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 30, 1987.

CHAPTER 189
(H.B. No. 306)

AN ACT

RELATING TO EMERGENCY VEHICLES; AMENDING SECTION 49-591, IDAHO CODE, TO PROVIDE A PENALTY FOR THE USE OF NONAUTHORIZED EMERGENCY VEHICLES.

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

SECTION 1. That Section 49-591, Idaho Code, be, and the same is hereby amended to read as follows:

49-591. DESIGNATION OF AUTHORIZED EMERGENCY VEHICLES. The director shall designate any particular vehicle as an authorized emergency vehicle upon a finding that designation of that vehicle is necessary to the preservation of life or property, or to the execution of emergency governmental functions.

Any person who operates a motor vehicle in a manner which would lead one to reasonably believe it was an emergency vehicle without prior approval of the director of law enforcement, shall be guilty of a misdemeanor and shall be subject to a fine of not less than three hundred dollars ($300) and may be incarcerated for not more than thirty (30) days in jail for each occurrence.

Approved March 30, 1987.

CHAPTER 190
(S.B. No. 1020)

AN ACT

RELATING TO THE ISSUANCE AND USE OF REPOSSESSION MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-101, IDAHO CODE, TO DEFINE "FINANCIAL INSTITUTION"; AMENDING SECTION 49-117, IDAHO CODE, TO STRIKE REFERENCE TO REPOSSESSION OF MOTOR VEHICLES REQUIRING A WRITTEN PERMIT AND TO PROVIDE A CHANGE IN TERMINOLOGY; AND AMENDING SECTION 49-126, IDAHO CODE, TO PROVIDE FOR THE RESPONSIBILITY OF THE IDAHO TRANSPORTATION DEPARTMENT FOR ISSUING REPOSSESSION LI-

CENSE PLATES TO BONA FIDE FINANCIAL INSTITUTIONS.

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.

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.

kk. "Rental utility trailer" means a utility trailer offered for hire to the general public for private or commercial use.

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.

oo. "Financial institution" means any bank that is authorized to do business in the state of Idaho and any other financial institution that is registered with the department of finance.

SECTION 2. That Section 49-117, Idaho Code, be, and the same is hereby amended to read as follows:

49-117. ASSIGNMENT OR TRANSFER OF INTEREST -- PROCEDURE. a. Whenever the owner of a motor vehicle registered under the provisions of section 49-126, Idaho Code, transfers or assigns his title or interest thereto, the registration card and registration plates shall remain with and in the possession of the transferor, and before the registration plates shall be displayed upon another motor vehicle owned by the transferor, the transferor shall have that motor vehicle registered as provided for in section 49-107, Idaho Code. For vehicles registered under section 49-126(1), Idaho Code, the transferor shall pay the registration fee required by section 49-126(1), Idaho Code, less the registration fee already paid, plus a transfer fee of two dollars ($2.00), or if the transferor shall have an older vehicle to be registered, the transferor shall pay a transfer fee of two dollars ($2.00). For vehicles registered in accordance with subsections (2) through (5)

of section 49-126, Idaho Code, the registration fee shall be the fee provided by subsection (b) of section 49-129, Idaho Code, plus a transfer fee of two dollars ($2.00). The transfer fee of two dollars ($2.00) collected under this subsection shall be paid to the county treasurer where the vehicle is registered and the transfer fee shall be placed in the county current expense fund.

b. The registration and use fee plates originally assigned to a motor vehicle registered under the provisions of section 49-127, Idaho Code, must remain attached thereto until the end of the current registration year, provided, however, that upon a change of registered ownership of any motor vehicle upon which the registration and use fee plates have been computed according to section 49-127, Idaho Code, the registration and use fee plates shall be returned to the department.

c. In the event of a transfer by operation of law of the title or interest of an owner in and to a motor vehicle registered under the provisions of sections 49-126 and 49-127, Idaho Code, as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, or otherwise, the registration thereof shall expire and the registration card and plates and use fee plates shall be immediately surrendered to the department and the motor vehicle shall not be operated upon the highways of the state of Idaho until and unless the person entitled to do so shall apply for and obtain a new registration card and plates and use fee plates to himself in accordance with the provisions of section 49-107, Idaho Code, except that an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, ~~or any person repossessing the motor vehicle under the terms of a conditional sales contract, lease, chattel mortgage or other security agreement or the assignee~~ or legal representative of any such person may operate or cause to be operated any motor vehicle upon the highway from the place of ~~repossession~~ removal or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, provided the place of ~~repossession~~ removal and place of destination are both located within the state of Idaho, upon obtaining a written permit from the department of the local police authorities having jurisdiction of the highways and upon displaying in plain sight upon the motor vehicle a placard bearing the name and address of the person authorizing and directing such movement, and plainly readable from a distance of one hundred (100) feet during daylight. During pendency of any probate proceedings, a court is hereby authorized to permit a motor vehicle subject to the conditions of this subsection to be used and driven by the person or persons applying therefor for the time and in the manner provided by the order of that court; and the right thus conferred shall be indicated by a placard bearing the name of the court issuing the order and the name and address of the person authorized to use the motor vehicle.

SECTION 3. That Section 49-126, Idaho Code, be, and the same is hereby amended to read as follows:

49-126. ANNUAL REGISTRATION. (1) The annual fee for operating

each pickup truck and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds, designed for the purpose of carrying passengers, and not used for hire shall be:

Vehicles one (1) and two (2) years old $36.00
Vehicles three (3) and four (4) years old 33.00
Vehicles five (5) and six (6) years old 25.80
Vehicles seven (7) and eight (8) years old 22.20
Vehicles over eight (8) years old 15.60

For the purpose of this subsection, the age of a motor vehicle shall be determined by subtracting the manufacturer's year designation of the vehicle from the year in which the fee designated is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicles shall be deemed to be one (1) year old for the purposes of this subsection. The term "manufacturer's year designation" shall mean the model year designated by the motor vehicle manufacturer, and not the year in which the vehicle is in fact manufactured.

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers ending in 1, and proceeding consecutively through December for holders of validation registration stickers ending in 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the date of beginning. Registration periods shall expire midnight on the last day of the registration period in the year designated by the registration validation sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all motor vehicles, trailers and semitrailers equipped to carry passengers and operated primarily for hire exclusively within the limits of an incorporated city and adjacent thereto, when the service outside the city is a part of a regular service rendered inside the city, and for school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twelve dollars ($12.00).

(3) For all hearses, ambulances and wreckers the annual fee shall be twenty-nine dollars ($29.00), and these vehicles shall bear passenger car plates. No operator of a hearse, ambulance, or wrecker shall be entitled to operate them by virtue of any dealer's license that may have been issued under the provisions of this chapter.

(4) For all motorcycles the annual fee shall be six dollars ($6.00).

(5) The registration fees for utility trailers and rental utility trailers shall be:

Maximum Laden or Gross Weight (Pounds)	Annual Registration Fee Utility Trailers	Rental Utility Trailers
Up to 2,000	$ 3.00	$ 6.00
2,001-5,000	6.00	12.00
5,001-8,000	10.00	18.00

(6) All vehicles required by subsections (2) through (5) of this section to be registered shall be issued number plates and validation stickers for a calendar year and shall expire midnight December 31.

(7) A financial institution repossessing motor vehicles under the terms of a security agreement shall move the motor vehicle from the place of repossession to the financial institution's place of business on a repossession plate. The repossession plate shall also be used for demonstrating the vehicle to a prospective purchaser for a period not to exceed ninety-six (96) hours. The registration fees for repossession plates shall be as required in subsection (1) of this section for a vehicle one (1) and two (2) years old. All other fees required under chapter 1, title 49, Idaho Code, shall be in addition to the registration fee. The repossession plate shall be issued on an annual basis by the department.

Approved March 31, 1987.

CHAPTER 191
(S.B. No. 1037)

AN ACT

RELATING TO PROFESSIONAL SERVICE CORPORATIONS; AMENDING SECTION 30-1309A, IDAHO CODE, TO PROVIDE THAT A DISQUALIFIED SHAREHOLDER OR THE PERSONAL REPRESENTATIVE OF A DECEASED SHAREHOLDER MAY EXERCISE THE VOTING RIGHTS OF THE OUTSTANDING SHARES ONLY FOR THE PURPOSE OF DISSOLVING, CONSOLIDATING OR MERGING THE CORPORATION, OR CONVERTING THE CORPORATION TO A GENERAL BUSINESS CORPORATION.

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

SECTION 1. That Section 30-1309A, Idaho Code, be, and the same is hereby amended to read as follows:

30-1309A. DEATH OR DISQUALIFICATION OF SOLE SHAREHOLDER. If a corporation organized under this chapter has only one (1) shareholder, and that shareholder becomes disqualified under section 30-1309, Idaho Code, or dies, the disqualified shareholder or the personal representative of the deceased shareholder may, notwithstanding other provisions of this chapter, exercise the voting rights of the out-

standing shares only for the purpose of dissolving the corporation pursuant to sections 30-1-82 through 30-1-93, Idaho Code, consolidating or merging the corporation pursuant to section 30-1312, Idaho Code, or converting the corporation to a corporation for profit under the Idaho business corporation act, chapter 1, title 30, Idaho Code.

Approved March 31, 1987.

CHAPTER 192
(S.B. No. 1056)

AN ACT

RELATING TO FOREST FIRE PROTECTION AND FOREST PEST CONTROL; AMENDING SECTION 38-111, IDAHO CODE, TO INCREASE THE ASSESSMENT FOR FOREST FIRE PROTECTION AND TO PROVIDE FOR OTHER CHARGES; AMENDING SECTION 38-122, IDAHO CODE, TO PROVIDE FOR THE CREATION OF A FIRE SUPPRESSION ACCOUNT, TO PROVIDE THAT HAZARD REDUCTION SHALL BE ACCOMPLISHED UNDER THE TERMS OF THE CERTIFICATE OF COMPLIANCE, TO PROVIDE THAT A THREE PERCENT ADMINISTRATIVE CHARGE ON HAZARD REDUCTION MONEYS OR BONDS BE DEPOSITED IN THE FIRE SUPPRESSION ACCOUNT, TO PROVIDE WAYS FOR A LANDOWNER OR OPERATOR TO SHIFT LIABILITY FOR FIRE SUPPRESSION TO THE STATE FORESTER, TO PROVIDE FOR A FIVE-YEAR STATUTE OF LIMITATIONS ON FIRE SUPPRESSION LIABILITY FOR LANDOWNERS OR OPERATORS THAT DO NOT TREAT THEIR SLASH OR ENTER INTO A CONTRACT TO DO SO WITH THE STATE FORESTER, TO PROVIDE FOR THE AMOUNT TO BE PAID FOR THE STATE FORESTER TO ASSUME RESPONSIBILITY FOR SLASH CREATED BY OWNERS OF FOREST LANDS OR OPERATORS ENGAGED IN ACTIVITIES WHICH CREATE SLASH, AND TO PROVIDE FOR AN ADDITIONAL FEE FOR THE STATE TO ASSUME LIABILITY FOR FIRE SUPPRESSION ON SLASHING AREAS; AMENDING SECTION 38-123, IDAHO CODE, TO PROVIDE THAT THE STATE FORESTER SHALL NOT FILE A LIEN WHEN A CERTIFICATE OF CLEARANCE HAS BEEN ISSUED; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-134, IDAHO CODE, TO PROVIDE FOR FUNDING OF ADMINISTRATION OF THE FOREST PRACTICES ACT; AMENDING SECTION 38-407, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 38-408, IDAHO CODE, TO DELETE THE FIVE PERCENT CHARGE ON HAZARD MANAGEMENT MONEYS FOR INSECT AND FOREST PEST CONTROL, TO DELETE THE TEN PERCENT CHARGE ON MONEYS IN THE FOREST MANAGEMENT FUND FOR EROSION CONTROL, AND TO PROVIDE FOR DISPOSITION OF RESIDUAL FUNDS IN THE EROSION CONTROL ACCOUNT; AMENDING SECTION 38-601, IDAHO CODE, TO DELETE REFERENCE TO A TUSSOCK MOTH INFESTATION; AMENDING SECTION 38-602, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF LANDS HAS THE AUTHORITY TO ACCOMPLISH THE PURPOSES OF CHAPTER 6, TITLE 38, IDAHO CODE; AMENDING CHAPTER 6, TITLE 38, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 38-603, 38-604, 38-605, 38-606 AND 38-607, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF LANDS SHALL DEVELOP PLANS, PROGRAMS AND RULES FOR THE REGULATION, MANAGEMENT AND CONTROL OF FOREST PESTS, TO PROVIDE THAT THE FUNDING FOR THE INSECT

AND DISEASE PROGRAM SHALL BE THROUGH THE GENERAL ACCOUNT, TO PROVIDE FOR THE FUNDING OF SPECIAL PEST CONTROL PROJECTS FROM VARIOUS SOURCES INCLUDING, BUT NOT LIMITED TO, GENERAL ACCOUNT APPROPRIATIONS AND CONTRIBUTIONS FROM COOPERATING LANDOWNERS, TO PROVIDE THAT THE STATE'S SHARE OF SPECIAL PEST CONTROL PROJECT COSTS SHALL BE FUNDED BY MONEYS IN THE FOREST PEST ACCOUNT AND MONEYS FROM THE GENERAL ACCOUNT, TO CREATE A FOREST PEST ACCOUNT, AND TO PROVIDE THAT THE STATE BOARD OF LAND COMMISSIONERS SHALL APPROVE THE EXPENDITURE OF FUNDS IN THE FOREST PEST ACCOUNT; AND AMENDING SECTION 38-603, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO PROVIDE FOR NO LIABILITY TO THE STATE FOR DAMAGE TO A RESOURCE AS A RESULT OF THE TREATMENT OF AN AREA INFESTED WITH FOREST PESTS.

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

SECTION 1. That Section 38-111, Idaho Code, be, and the same is hereby amended to read as follows:

38-111. PROTECTION BY OWNER -- ASSESSMENTS -- BUDGET OF PROTECTIVE DISTRICTS. Every owner of forest lands in the state shall furnish or provide therefor, throughout the closed season, protection against the starting, existence or spread of fires thereon, or therefrom, in conformity with reasonable rules and standards for adequate protection, to be established by the state board of land commissioners. An owner of forest lands who maintains a membership in good standing in a forest protective association operating under agreement with the state board of land commissioners, which association maintains a standard of protection approved by said board and who pays the assessments to the association in the amounts required by this section, shall be deemed to have fully complied herewith. In the event the owner of any forest land shall neglect or fail to furnish the protection required by this section, the director of the department of lands shall provide such patrol and protection therefor at actual cost to the owner of forest lands. For private owners of forest lands whose total acres of forest lands are twenty-five (25) acres or fewer, the minimum assessment per year shall be a sum of ~~seven dollars and fifty cents ($7.50)~~ eight dollars and seventy-five cents ($8.75), and for private owners of forest lands whose total acres of forest lands are twenty-six (26) acres or more, this cost shall not exceed thirty-five cents (~~30~~35¢) an acre per year.

In the event an assessment is made in an amount less than the maximum hereinbefore provided, and an actual loss occurs which exceeds the amount budgeted and for which assessments have been made, the director of the department of lands, with the approval of the board, may require an additional assessment to be made and paid, which together with the original assessment shall not exceed the maximum assessment set forth above. Such additional assessment shall be levied and collected in the same manner as herein provided for the collection of such original assessments. The liability provided in this section shall be calculated for each forest protection district or association separately, and shall be calculated solely upon the charges assignable to fire control or presuppression of fires within each district or

association.

Each forest protective association actively engaged in forest protection under agreement with the state board of land commissioners shall each year prepare in detail, a budget of all estimated operating costs for the next calendar year and shall submit this budget to the board for approval before June 30 of the current year.

~~Notwithstanding any other provisions of law~~ Except for the provisions of section 38-122, Idaho Code, and cases of proven negligence by the landowner or his agent, no other charges or assessments for fire protection shall be made or assessed or collected from those forest landowners participating as provided herein~~, except in cases of proven negligence on the part of said landowners or his agent~~.

SECTION 2. That Section 38-122, Idaho Code, be, and the same is hereby amended to read as follows:

38-122. PROTECTION BY LOGGING OUTFITS -- FIRE SUPPRESSION ACCOUNT -- LIABILITY FOR FIRE SUPPRESSION COSTS -- PENALTY. (1) Everyone engaged, or about to engage, in the cutting of any forest product or potential forest product upon lands within the state of Idaho shall provide for the management and reduction of the fire hazard thus created or to be created by first securing a certificate of compliance from the director of the department of lands or his agent, said compliance to provide the option of entering into a fire hazard reduction agreement as provided in sections 38-401 ~~to~~ through 38-410, Idaho Code, inclusive, or by posting a cash bond to the state of Idaho in such form and for such amount as may be prescribed by the director of the department of lands: provided, however, that the amount of the bond so prescribed shall not be in excess of the amount which such person would be required to pay under said sections 38-401 ~~to~~ through 38-410, Idaho Code, inclusive, and that the bond shall be conditioned upon full and faithful compliance with all requirements under said sections 38-401 ~~to~~ through 38-410, Idaho Code, inclusive, and the faithful reduction of such fire hazards in the manner prescribed by law. Provided further that the initial purchaser of ties, logs, posts, cordwood, pulpwood and other similar forest products which have been cut from lands within the state of Idaho shall make no such purchase from anyone not having a proper compliance. When a person elects to have hazard reduction money withheld in lieu of posting a cash bond, the purchaser of forest products shall withhold the money and said money so withheld in any one (1) calendar month shall be paid to the director of the department of lands or his agent on or before the last day of the next calendar month. After sending such moneys to the director of the department of lands the purchaser shall not be further liable to the state of Idaho or to the person from whom the money was withheld. The director of the department of lands, upon receipt of the cash bond or transmittal of withheld money, shall promptly deposit the same with the state treasurer to be held in trust until the hazard has been reduced as required by law. Such hazard reduction shall be accomplished by the responsible party within ~~twelve--(12)--months--of--the cutting--of-the-forest-products~~ the terms set forth in the certificate of compliance or such additional time as may be granted by the direc-

tor of the department of lands, and upon completion thereof, the director of the department of lands or his agent shall issue a certificate of clearance, stating that all the terms of this section have been complied with and such clearance shall constitute reason for the release of said hazard reduction money and payment to the person entitled thereto or release of the cash bond posted, except that three percent (3%) of the hazard reduction money or bond shall be deposited in a special account to be known as the fire suppression account, which is hereby created in the dedicated fund of the state treasury, and which shall be used by the department of lands to help pay the cost of suppressing forest fires. In the event the hazard reduction shall not be accomplished within said period of time, the money shall be released by the state treasurer on direction from the director of the department of lands less the three percent (3%) deduction specified for the fire suppression account, and credited to the "forest management ~~fund~~ account" for the management and reduction of any fire hazard and for the protection of forest resources as provided by section 38-408, Idaho Code.

(2) With the exception of cases of negligence on the part of the landowner, operator or their agents, liability for the cost of suppressing fires that originate on or pass through a slashing area shall remain with the state forester if one of the following alternatives is executed by the landowner or operator: (a) the slashing area is covered by a certificate of compliance and all hazard money payments are current or a proper bond is in place; (b) the landowner or operator treats the slash in accordance with rules and regulations adopted by the state board of land commissioners that are in effect during the period covered by the certificate of compliance or approved extensions; or (c) the landowner or operator elects to enter into a contract with the state forester for the management of the slash and liability of fire suppression costs in accordance with section 38-404, Idaho Code.

Should the landowner or operator choose not to treat the slash or not enter into a contract with the state forester in accordance with section 38-404, Idaho Code, the landowner or operator shall, in addition to forfeiting the bond provided for in section 38-122, Idaho Code, be subject to the provisions of section 38-123, Idaho Code, and his liability, if any, for fire suppression costs up to the limits set by the state forester, shall exist for a period of five (5) years following completion of the operation for all fires that originate in or pass through the landowner's or operator's slashing area, except that the landowner or operator may choose to pay an additional fee, to be determined by the director, upon payment of which the director will assume the liability for the cost of suppressing fires that originate in or pass through the slashing area.

(3) A violation of any of the provisions of this section shall be deemed a petty misdemeanor.

SECTION 3. That Section 38-123, Idaho Code, be, and the same is hereby amended to read as follows:

38-123. DISPOSAL OF SLASH -- INJUNCTION AGAINST FURTHER CUTTING

DISPOSAL AT EXPENSE OF OWNER -- LIEN AND ENFORCEMENT -- ORDERS. In the event one responsible therefor shall fail, refuse or neglect to properly dispose of slash in accordance with the requirements of section 38-122, Idaho Code, and such person responsible therefor is engaged or is about to engage, either for himself or for another, in cutting timber or other forest products, and thereby creating a fire hazard anywhere within the state, he may be enjoined from cutting such timber or other forest products and thereby creating a fire hazard until he shall have complied with the provisions of section 38-122, Idaho Code. Such injunction proceedings may be instituted by the director of the department of lands as plaintiff and the court may in its discretion grant a temporary injunction. In any such proceedings no bond shall be required of the plaintiff and such a proceeding shall be handled in any court by the judge thereof with expedition.

If one responsible therefor has for any reason failed to comply with section 38-122, Idaho Code, and has without such compliance cut timber or other forest products, and shall fail, refuse or neglect to properly dispose of slash for a period of thirty (30) days after being notified so to do by the director of the department of lands or the fire warden of the forest protective district within which such slash has accumulated, the director of the department of lands, or the fire warden, may, if he deems it advisable, complete, direct or authorize the disposal of such slash at the expense of the owner of the timber or other forest products cut or produced from the land upon which such fire hazard remains undisposed of as aforesaid.

The cost and expense of such disposal, plus twenty per cent (20%) of the cost and expense of such disposal as a penalty, shall constitute a prior lien upon the timber and/or other forest products so cut or produced from such land. If payment of such cost and penalty be not made within ten (10) days after demand in writing, the director of the department of lands shall file for record with the county recorder of the county in which such timber or other forest products were cut, or, if the same have been removed to another county, then in such county, a notice of lien upon any and all forest products cut from the area of slash undisposed of as aforesaid, and such lien shall also attach to all identifiable processed products thereof, and the perfection of such lien rights shall as nearly as practicable be in conformity with the provisions of section 45-407, Idaho Code, so far as the same is applicable, and duly verified as therein provided. Any claims of lien recorded as herein provided shall be released in writing by the director of the department of lands upon payment of the cost and penalty herein provided. After the filing of notice of lien, any purchaser or purchasers of any of such forest products who have disposed of the same or who shall have so mingled such forest products or the processed products thereof with other property as to prevent identification of such forest products, and thereby prevent the sale of any such products in such foreclosure proceedings, shall be liable for the full amount of the judgment recovered, provided such purchaser is made a party defendant in the suit for the foreclosure of lien. The proceedings for the enforcement of said lien shall conform as nearly as may be to the proceedings provided by law for the enforcement of loggers' lien, or the amount of such cost and penalty may be recovered by

a civil action for debt, prosecuted in the name of the state of Idaho, and payable to the state treasurer for deposit in the forest protection fund.

The director of the department of lands shall not file for record any lien against the property of any person who has been issued a certificate of ~~compliance~~ clearance in accordance with section 38-122, Idaho Code, covering such property.

All orders and directions issued by the director of the department of lands, or any fire warden, as required or authorized by this section and section 38-122, Idaho Code, shall be in writing and made in triplicate, the original of which shall be sent by registered mail or delivered by personal service to the person to receive such order, permits or directions; one (1) copy shall be filed in the office of the director of the department of lands; and one (1) copy shall be filed in the district warden's file.

SECTION 4. That Chapter 1, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 38-134, Idaho Code, and to read as follows:

38-134. FOREST PRACTICES ACT ADMINISTRATION -- FUNDING. The director of the department of lands is charged in section 38-1305, Idaho Code, to administer and enforce the forest practices act on all private forest lands within the state. Funding for this activity shall come from an annual budget request from the general account and from an annual assessment to be paid by every private owner of forest land in the state. The assessment for private owners of forest lands whose total acres of forest lands are twenty-five (25) acres or fewer shall be a sum of one dollar and twenty-five cents ($1.25), and for private owners of forest lands whose total acres of forest lands are twenty-six (26) acres or more, the assessment shall not exceed five cents (5¢) an acre per year. The assessment shall be collected in the same fashion and at the same time as the forest protection assessment described in section 38-111, Idaho Code.

SECTION 5. That Section 38-407, Idaho Code, be, and the same is hereby amended to read as follows:

38-407. FOREST MANAGEMENT ~~FUND~~ ACCOUNT. The state treasurer shall be custodian of ~~a fund~~ an account which is hereby created to be known as the "forest management ~~fund~~ account," into which shall be paid all funds accruing or received under any and all of the provisions of sections 38-401--38-410, Idaho Code.

SECTION 6. That Section 38-408, Idaho Code, be, and the same is hereby amended to read as follows:

38-408. MONEYS FROM CONTRACTS AND APPROPRIATIONS -- EXPENDITURES AND ACCOUNTS. All moneys paid to the director of the department of lands, or the state forest wardens, under any contract whereby the director assumes the management and reduction of any fire hazard for

the protection of forest resources, shall be deposited with the state treasurer and shall be credited to the forest management fund as herein provided.

All moneys appropriated for, accruing to, or received by said fund are hereby appropriated for the purpose specified in sections 38-401--38-410, Idaho Code, and shall only be used in the protective districts where collected~~,--except-that-five-per-cent-(5%)-of-all-such moneys-hereafter-collected-shall-be-allocated-to-a-special-account-for forest-insect-and-forest-pest-abatement--and--control,--provided--such account--shall--not-exceed-five-hundred-thousand-dollars-($500,000)-at any-one-(1)-time-and-shall-be-deemed-to-be--the--contribution--of--the state--and--owners--of-private-lands-to-the-abatement-and-control-programs;-and-provided-further-that-moneys-in-this-special-account-may-be extended-for-such-programs-on-lands-in-state-and-private-ownership--in any--forest--protective--district--approved-by-the-state-board-of-land commissioners.-Without-unnecessarily-restricting-the-decision--of--the state--board--of-land-commissioners,-it-should-consider-in-general-the amount-and-source-of-money-by-areas,-the-nature,-extent--and--seriousness--of--various--insect--and-pest-attacks,-relative-priority-of-each infestation,-types-of-abatement-and-control-needed-and-relative-values of-the-forest-areas-to-be-protected.-As-an--additional--exception--not more-than-ten-per-cent-(10%)-of-all-such-moneys-collected-and-credited to--the-forest-management-fund-shall-be-allocated-to-a-special-account for-erosion-control-on-state-and-private-lands-within-the-forest--protective--districts--where-collected-and-moneys-in-this-special-account may-be-expended-for-erosion-control--programs--upon--approval--of--the state--board--of-land-commissioners.--The-exact-percentage-to-be-allocated-to-the-special-account-shall-be-determined-annually--in--advance by--the--state--board-of-land-commissioners~~. All funds in, or accruing to, the erosion control account after the effective date of this section shall be credited to the forest practices rehabilitation account created in section 38-1310, Idaho Code.

All moneys deposited in said fund shall remain in the state treasury for the use of the director in the payment of items constituting claims against the fund. This fund may be drawn upon by sight drafts signed by the director and attached to vouchers for the planned expenditure, both in such form as the state auditor shall prescribe. At such time as the board of examiners may prescribe the director shall present a complete itemized account of all expenditures from said fund. The said board is authorized to approve or reject any item in said account. If any item thereof is disallowed the director or the state forest warden responsible therefor shall replace the amount thereof in the said fund. The amount of the items allowed shall be credited by the auditor to the director.

SECTION 7. That Section 38-601, Idaho Code, be, and the same is hereby amended to read as follows:

38-601. STATEMENT OF POLICY. ~~A--serious--infestation--of--Tussock moth--now--exists--in--valuable-timber-within-the-state-of-Idaho.-This infestation-has-increased-several-hundred-per-cent-in--the--last--year and--if-allowed-to-continue-unabated-indications-are-that-the-infesta-~~

~~tion will rapidly extend to adjacent areas, and will destroy additional large volumes of timber in the state, thereby destroying watersheds, forest reproduction and recreational values of the forests.~~ It is hereby declared to be the public policy of the state of Idaho in order to protect and preserve forest resources from the ravages of the Tussock moth, pine beetle and other destructive forests insects, pests and disease, to protect the watersheds of Idaho, to enhance the production of forests, to promote the stability of forest industry and to protect the recreational values of the forests, to independently and through cooperation with the federal government and private timber owners to adopt measures to control, suppress and eradicate outbreaks of the Tussock moth, pine beetle or other destructive forest insects, pests and disease.

This act is declared to be an emergency measure necessary for the preservation of public health and safety, for the preservation of forest resources, for the preservation of the watersheds and for the preservation of recreational values of the forest lands of this state.

SECTION 8. That Section 38-602, Idaho Code, be, and the same is hereby amended to read as follows:

38-602. DETERMINATION OF INFESTED AREAS -- POWER OF STATE DIRECTOR OF THE DEPARTMENT OF LANDS -- COOPERATION WITH FEDERAL AND OTHER AGENCIES. Whenever the state director of the department of lands determines that there exists an infestation of Tussock moth, pine beetle, or other destructive forest insects, pests or disease injurious to the timber or forest growth on forest lands and that said infestation is of such a character as to be a menace to the timber or forest growth of this state, the state director of the department of lands shall with the approval of the state board of land commissioners, declare the existence of a zone of infestation, and shall declare and fix the boundaries so as to definitely describe and identify the zone of infestation.

Thereupon, the state director of the department of lands or his agent shall have the power to go upon the land within said zone of infestation and shall cause the insect, infestation or disease to be suppressed, eradicated and destroyed in the manner approved by the state board of land commissioners and in order to accomplish the ~~suppression, eradication and destruction of such infestation~~ purposes of this chapter the state director of the department of lands may enter into cooperative agreement with the federal government and other public or private agencies and with timber land owners using such funds as have been or may hereafter be made available for such purposes.

SECTION 9. That Chapter 6, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 38-603, 38-604, 38-605, 38-606 and 38-607, Idaho Code, and to read as follows:

38-603. DIRECTOR TO ADOPT PLANS, PROGRAMS AND RULES FOR THE REGULATION, MANAGEMENT AND CONTROL OF FOREST PESTS. The director of the

department of lands shall develop plans, programs and rules for the regulation, management and control of forest insects, diseases, or other pests. These programs, plans and rules shall include, but are not limited to, the areas of prevention, detection, evaluation and control of such pests.

38-604. FUNDING FOR INSECT AND DISEASE PROGRAM. The insect and disease program as described in chapter 6, title 38, Idaho Code, shall be incorporated into the forest protection program and shall be funded by moneys from the general account. Funding for special pest control projects may include an appropriation from the general account, contributions from cooperating landowners who have lands included in the project area, as defined in section 38-602, Idaho Code, or any combination of sources.

38-605. PROJECT COST FOR STATE-OWNED LANDS. The state's share of the costs for special pest control projects for state-owned lands within the project area as described in section 38-602, Idaho code, shall be funded by moneys in the forest pest account, and moneys from the state general account.

38-606. FOREST PEST ACCOUNT. There is hereby created in the dedicated fund of the state treasury a forest pest account into which shall be paid all moneys collected or received under any and all provisions of this chapter.

38-607. APPROVAL OF USE OF THE FOREST PEST ACCOUNT. All special pest control projects and expenditure of funds in the forest pest account shall be approved by the state board of land commissioners.

SECTION 10. That Section 38-603, Idaho Code, be, and the same is hereby amended to read as follows:

38-603~~8~~. STATE NOT LIABLE FOR DAMAGES. The state of Idaho~~,~~ or the ~~state~~ director of the department of lands or his agent shall not be liable for any damage to bees, livestock, or other property or resource injured in the process of treating the infested area under the provisions of sections 38-601--38-603~~8~~, Idaho Code~~.~~

Approved March 31, 1987.

CHAPTER 193
(S.B. No. 1087)

AN ACT

RELATING TO THE IDAHO REAL ESTATE BROKERS ACT; AMENDING SECTIONS 54-2029, 54-2031, 54-2033A AND 54-2040, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF REAL ESTATE LICENSES TO NONRESIDENT BROKERS AND SALESMEN, TO PROVIDE FOR THE REVOCATION OR SUSPENSION OF LICENSES

ISSUED TO NONRESIDENTS, AND TO CORRECT CODE REFERENCES.

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

SECTION 1. That Section 54-2029, Idaho Code, be, and the same is hereby amended to read as follows:

54-2029. QUALIFICATIONS FOR THE ISSUANCE OF LICENSES -- APPLICATION FOR LICENSE -- CONTENTS OF APPLICATION -- FEES -- TERMS OF LICENSES ISSUED. A. Except as provided in section 54-2031, Idaho Code, any person desiring to carry on the business of a real estate broker or real estate salesman in this state shall have and meet the following qualifications:

(1) The applicant must be at least eighteen (18) years of age;

(2) The applicant must not have had revoked a license or been refused a renewal of a license issued by the state of Idaho or any other state, as a real estate broker or salesman, if such revocation or refusal occurred within two (2) years prior to the date the application is submitted to the commission;

(3) The applicant must not have been convicted, issued any fine, placed on probation, received a withheld judgment or completed any sentence of confinement for or on account of a felony or a misdemeanor involving moral turpitude in a state or federal court within five (5) years prior to the date the application is submitted to the commission;

(4) ~~The--applicant--must--be-a-resident-of-the-state-of-Idaho,-or shall-have-established-his-residency-in-the-state-of--Idaho--prior to--the--issuance--of--the-license,-except-as-provided-in-sections 54-2031-and-54-2032,-Idaho-Code;~~

~~(5)~~ The applicant must have complied with the educational requirements as provided for in subsection C of this section; the real estate education course requirements set forth in subsection C of this section must have been successfully completed within five (5) years prior to the date upon which the applicant makes application; provided, the commission may waive or modify the requirement that the real estate education courses must have been successfully completed within five (5) years prior to the date upon which the applicant makes application;

(6~~5~~) If the application is for a real estate broker's license, the applicant must have been actively engaged as a licensed real estate salesman ~~in-this-state~~ as provided for in subsection B(~~3~~2) of this section.

If the commission determines that an applicant does not possess the aforementioned qualifications, it shall have the authority to deny the application. If the commission finds that the applicant employed any fraud, deception, misrepresentation, misstatement or any unlawful means in applying for a license or taking the examination, then the commission shall have the authority to deny the application.

B. Any person desiring to carry on the business of real estate broker or real estate salesman in this state shall make application for license therefor upon a form to be prescribed and furnished by the commission, giving his full name and address and the address of his

principal place of business in the state of Idaho. Applications shall be made to and filed with the commission and be accompanied by:

(1) An examination fee, (in an amount not to exceed) thirty-five dollars ($35.00) which shall not be refunded, shall be assessed to each applicant who has preregistered for the examination. If the applicant has not preregistered, an examination fee in an amount not to exceed forty-five dollars ($45.00) shall be charged to the applicant. The exact examination fees shall be determined by the commission at the conclusion of a hearing called for such purposes to be conducted, pursuant to notice each year. The fees so established by the commission at such hearing to be in effect during the next ensuing year shall be that amount which, in the discretion of the commission, are sufficient to raise that revenue required to administer the examination.

(2) In addition to subsection B(1), an applicant for a real estate broker's license shall submit satisfactory evidence of having been actively engaged for two (2) years as a licensed real estate salesman ~~in this state~~ within five (5) years prior to the date upon which the applicant makes application; provided, however, that said requirement may be modified or reduced, in whole or in part, at the discretion of the commission, based upon the educational background of the applicant, ~~his experience as a licensed real estate broker or salesman in another state,~~ or his experience in related or affiliated business activities. The commission in its discretion may make such additional investigation and inquiry relative to the applicant as it shall deem advisable.

C. An applicant for an original salesman's license or a broker's license shall furnish proof that he is a graduate from an accredited high school or the holder of a certificate of general education development issued by proper authorities of public schools of any state. An applicant for an original salesman's license shall furnish to the commission proof that he has successfully completed a course of study consisting of at least thirty (30) classroom hours, or equivalent correspondence hours, of real estate courses, which courses shall include but not be limited to: principles of real estate practice and canons of ethics pertaining thereto; the provisions of this act and rules and regulations of the commission; arithmetical calculations as used in real estate transactions; rudimentary principles of conveyancing; the general purposes and effects of deeds, deeds of trust, mortgages, land contracts of sales, leases, liens and listing contracts; fundamentals of land economics and appraisals; and fundamentals of obligations between principal and agent; provided however, the commission may accept other courses in lieu of the above mentioned courses and may designate additional required courses.

An applicant for an original real estate broker's license shall furnish the commission satisfactory proof that he has successfully completed a total of ninety (90) hours of classroom instruction, or equivalent correspondence hours, in real estate courses above set forth.

Any applicant for a license as a real estate broker or real estate salesman may submit a certification from any university, college or junior college, or from any privately owned school approved by the

commission, that the applicant has successfully completed the prescribed courses within five (5) years prior to the date upon which the applicant makes application; and such certificate is considered to be in full compliance with the requirements of this act for the completion of a course of study.

D. For each year for which the license is issued or renewed, a license fee in an amount not to exceed fifty dollars ($50.00) shall be charged for the issuance of real estate broker's, associate broker's and salesman's licenses, the exact fee for the issuance of each to be determined by the commission at the conclusion of a hearing called for such purpose to be conducted, pursuant to notice, each year. The fee so established by the commission at such hearing to be in effect during the next ensuing year shall be that amount which, in the discretion of the commission, and when added to the other fees charged and collected as authorized by law, is sufficient to raise that revenue required to administer the provisions of this chapter which shall not be refunded. In the event the commission deems it necessary to increase such license fee when the same is so established each year, the increase in such fee shall not exceed ten dollars ($10.00) for any license issued or renewed for two (2) years.

E. There is established a staggered renewal period for licenses to coincide with the last day of the month of the birthdate of each licensee. A license renewal issued after July 1, 1980, shall be for a two (2) year period and the license fee therefor shall be in an amount not to exceed one hundred dollars ($100) and may be increased in accordance with subsection D of this section.

Each license as a real estate broker or real estate salesman may be renewed by the commission upon the payment by the licensee of the renewal fee specified in this section, if that fee is paid on or before the first day of the month following the month of the birthdate of the licensee.

If the licensee fails to pay the renewal fee on or before the first day of the month following the month of the birthdate of the licensee, the commission may accept a later payment, subject to such conditions as the commission may require, including but not limited to the assessment of a late fee not to exceed fifteen dollars ($15.00); provided that between the last day of the month of his birthdate and the date of renewal of the license, the rights of the licensee under such license shall be suspended, and during such period of suspension it shall be unlawful for any licensee to do or attempt to offer to do any of the acts of the kind and nature described in the definitions of a real estate broker or real estate salesman in section 54-2022, Idaho Code, in consideration of compensation of any kind or expectation thereof.

A new license or renewal issued after January 1, 1975, shall be for the term of the months up to and including the month of the birthdate of the licensee. A new license or renewal issued after July 1, 1980, shall be for a term of one (1) year plus the months up to and including the next birthdate of the licensee. A license fee in an amount not to exceed one hundred dollars ($100) shall be charged for the issuance of a new real estate broker's, associate broker's or salesman's license, the exact fee to be determined in accordance with

subsection D of this section.

Corporations and partnerships shall have established as the equivalent of a birthdate, the birthdate of the designated broker of each.

Branch offices shall have established as the equivalent of a birthdate, the birthdate of the real estate broker establishing the branch office.

SECTION 2. That Section 54-2031, Idaho Code, be, and the same is hereby amended to read as follows:

54-2031. LICENSING OF NONRESIDENT BY RECIPROCITY. A. Nonresident brokers and nonresident salesmen ~~shall only~~ may be licensed in this state as nonresident brokers and nonresident salesmen by written reciprocal agreement between this state and the state of the place of business of each nonresident broker and nonresident salesman. The commission shall require evidence of good standing as a licensed broker or salesman from the proper authority of the state of his place of business. Each nonresident reciprocity license shall be limited and subject to the terms of the written reciprocal agreement. A nonresident salesman licensed by reciprocity must be licensed under and associated with a nonresident broker licensed by reciprocity under this chapter. Such nonresident reciprocity licensee may not maintain a place of business in this state except as provided for in section 54-2033A, Idaho Code. The commission, in its discretion, may refuse to issue a broker's or salesman's license to an applicant who is not a resident of this state, if such discretion is allowed in the applicable reciprocal agreement.

B. When a nonresident broker is no longer regularly engaged in the real estate business in the state issuing his resident real estate broker's license, his nonresident reciprocity broker's license and the nonresident salesman's reciprocity licenses of salesmen licensed under and associated with him shall thereupon terminate and shall be surrendered to the commission.

SECTION 3. That Section 54-2033A, Idaho Code, be, and the same is hereby amended to read as follows:

54-2033A. BRANCH OFFICE. No branch office will be operated by a resident or nonresident broker unless the business performed in that office (such as advertising, listing, closing, depositing of funds, writing of checks and the issuance of receipts) shall be conducted in the name of the licensee. A branch office operated by a resident licensee shall have a licensed broker, associate broker or salesman with two (2) years active experience as a licensed real estate salesman, regularly occupying it and in charge of it. ~~A branch office operated by a nonresident licensee shall have a licensed broker who is domiciled in the state of Idaho regularly occupying it and in charge of it.~~ Resident and nonresident licensees operating branch offices in the state of Idaho are required to license such offices with the Idaho real estate commission and the broker, associate broker or salesman in charge of the office shall be designated at the time of licensing. A

violation of this section shall be deemed a ground for revocation or suspension of license under section 54-2040, Idaho Code.

SECTION 4. That Section 54-2040, Idaho Code, be, and the same is hereby amended to read as follows:

54-2040. REVOCATION OR SUSPENSION OF LICENSE -- GROUNDS THEREFOR. A. The commission may upon its own motion, and shall upon verified complaint in writing of any person claiming to have been injured or defrauded, investigate the action of any person engaged in the business or acting in the capacity of real estate broker or real estate salesman within this state and shall have the power to temporarily suspend or permanently revoke licenses issued under the provisions of this act and/or to impose a civil penalty in an amount not to exceed one thousand dollars ($1,000) upon the licensee at any time where the holder thereof in performing or attempting to perform any of the acts mentioned in section 54-2022, Idaho Code, regardless of whether the acts were for his own account or in his capacity as a broker or salesman, is guilty of (a) making any fraudulent misrepresentations; or, (b) a continued or flagrant course of misrepresentation or making of false promises whether through agents or salesmen; or, (c) failure to account for or remit any property or moneys coming into his possession which belong to another; or, (d) failure to keep adequate records of all property transactions in which he acts in the capacity of real estate broker or real estate salesman; or, (e) failing or refusing upon demand to disclose any information within his knowledge, or to produce any documents, books, or records in his possession for inspection by the commission or its authorized representatives when acting within the jurisdiction or by authority of law; or, (f) employment of fraud, deception, misrepresentation, misstatement or any unlawful means in applying for or securing a license to act as real estate broker or salesman in the state of Idaho; or, (g) acting as a real estate broker or salesman under an assumed name; or, (h) violation of any provision of sections 54-2021 to 54-2053, Idaho Code, or any of the rules and regulations made or promulgated by the real estate commission, or final order of the commission; or, (i) any other conduct whether of the same or a different character than hereinabove specified which constitutes dishonest or dishonorable dealings; or, (j) the use by a licensee of any provision allowing the licensee an option to purchase in any agreement authorizing or employing such licensee to sell, buy, list or exchange real estate for compensation or commission, except when such licensee, prior to or coincident with entering into such agreement, discloses in writing to his principal the purpose for which the property will be purchased, that the licensee is licensed, and such other information as the commission may require by rule.

B. The commission may also temporarily suspend or permanently revoke a license where the holder thereof (a) is convicted of a felony in a state or federal court, or is convicted of any crime involving moral turpitude. The record of conviction, or a certified copy thereof, certified by the clerk of the court, or the judge in whose court the judgment was had, shall be prima facie evidence of convic-

tion in such cases; (b) is declared insane by a court of competent jurisdiction; provided, however, that when a license shall have been revoked or suspended for this cause, such license may be reactivated by the commission upon a declaration of sanity being made; (c) has a judgment entered against him in a civil action upon grounds of fraud, misrepresentation, or deceit with reference to any transaction for which a license is required.

C. The commission may also temporarily suspend or permanently revoke a license of a broker or salesman where the license of such licensee, issued by another jurisdiction, is suspended or revoked for acts or omissions which would be grounds for suspension or revocation under chapter 20, title 54, Idaho Code. A certified copy of the findings of fact, conclusions of law, memorandum opinion and/or final order from the appropriate administrative agency or court shall be prima facie evidence of the suspension or revocation and the facts stated therein.

D. If the commission temporarily suspends or permanently revokes a license, and/or imposes a civil penalty, the commission may withhold execution of said suspension, revocation and/or civil penalty on such terms and for such time as it may prescribe.

~~D~~E. In the event of the revocation or suspension of the broker's license issued to the designated broker of a partnership or corporation, the license issued to such partnership or corporation shall be revoked or suspended by the commission. However, the commission may withhold execution of the revocation or suspension on such terms and for such time as it may prescribe.

~~E~~F. All civil penalties collected by the commission under the provisions of this chapter shall be deposited in the state treasury to the credit of the special real estate account established pursuant to section 54-2037, Idaho Code.

Approved March 31, 1987.

CHAPTER 194
(S.B. No. 1107, As Amended)

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 49-108, IDAHO CODE, TO EXEMPT FROM REGISTRATION MOTORCYCLES AND ALL-TERRAIN VEHICLES TEMPORARILY OPERATED ON THE HIGHWAYS IN CONNECTION WITH AGRICULTURAL, HORTICULTURAL, DAIRY OR LIVESTOCK OPERATIONS.

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

SECTION 1. That Section 49-108, Idaho Code, be, and the same is hereby amended to read as follows:

49-108. EXEMPTIONS FROM REGISTRATION. Farm tractors, implements of husbandry, road rollers and road machinery temporarily operated or

moved upon the highways need not be registered under the provisions of this chapter. In addition, self-propelled wheelchairs, invalids' tricycles, and wheelchair conveyances operated by persons who by reason of physical disability are otherwise unable to move about as pedestrians shall be exempt from registration requirements under the provisions of this chapter. Motorcycles and all-terrain vehicles, as defined in section 49-2603(12), Idaho Code, need not be registered under the provisions of this chapter while being used exclusively in connection with agricultural, horticultural, dairy and livestock growing and feeding operations. Travel upon the public highways shall be limited to travel between farm or ranch locations. Motorcycles and all-terrain vehicles used for this purpose shall meet the requirements of section 49-801A, Idaho Code.

Approved March 31, 1987.

CHAPTER 195
(S.B. No. 1113)

AN ACT

RELATING TO THE ENTRY OF ODOMETER READINGS ON APPLICATIONS FOR CERTIFICATES OF TITLES FOR MOTOR VEHICLES; AMENDING SECTION 49-405, IDAHO CODE, TO PROVIDE A STATEMENT OF ODOMETER READING ON THE APPLICATION FOR A CERTIFICATE OF TITLE AT THE TIME OF THE SALE OR TRANSFER OF A MOTOR VEHICLE, AND TO PROVIDE FOR PROMULGATION OF RULES AND REGULATIONS; AMENDING SECTION 49-504, IDAHO CODE, AS ENACTED BY SECTION 2, HOUSE BILL NO. 85, FIRST REGULAR SESSION, FORTY-NINTH IDAHO LEGISLATURE, TO PROVIDE A STATEMENT OF ODOMETER READING ON THE APPLICATION FOR A CERTIFICATE OF TITLE AT THE TIME OF SALE OR TRANSFER OF A MOTOR VEHICLE, AND TO PROVIDE FOR PROMULGATION OF RULES AND REGULATIONS; DECLARING AN EMERGENCY AND PROVIDING EFFECTIVE DATES.

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

SECTION 1. That Section 49-405, Idaho Code, be, and the same is hereby amended to read as follows:

49-405. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE --IDENTIFICATION NUMBERS. (a) Application for a certificate of title shall be made upon a form furnished and approved by the department and shall contain a full description of the motor vehicle including the make, the engine or identification numbers, and the odometer reading at the time of sale or transfer, and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon said vehicle, and the name and address of the person. The department may promulgate rules and regulations to provide for exceptions to the odometer requirement.

(b) If a certificate of title has not previously been issued for

such motor vehicle in this state, said application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or a duly certified copy thereof, or by a certificate of title, bill of sale or other evidence of ownership required by the law of any other state from which such motor vehicle was brought into this state.

(c) In the case of a new motor vehicle being titled for the first time, no certificate of title or registration shall be issued unless such application is indorsed by a franchised new motor vehicle dealer licensed to sell such new motor vehicle in the state of Idaho. Each such application shall be accompanied by a manufacturers' certificate of origin or manufacturers' statement of origin executed by the manufacturer and delivered to his agent or his franchised motor vehicle dealer. The certificate or statement of origin shall be in such form as set by the board in accordance with the provisions of the administrative procedures act and shall contain the year of manufacture or the model year of the motor vehicle, the manufacturer's vehicle identification number of the motor vehicle, the name of the manufacturer, the number of cylinders, a general description of the body, if any, and the type or model. Upon sale of a new motor vehicle, the manufacturer, his agent or franchised dealer shall execute and deliver to the purchaser an assignment of the certificate of statement, together with any lien or encumbrance to which the vehicle is subject.

(d) The department shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The department shall maintain an engine or identification numbers index of registered motor vehicles, and upon receiving an application for a certificate of title, shall first check the engine or identification number shown in the application against said index and against the stolen and recovered motor vehicle index required to be maintained by section 49-411, Idaho Code. The department, when satisfied that the applicant is the owner of such motor vehicle and that the application is in proper form, shall thereupon issue in the name of the owner of the vehicle a certificate of title bearing a title number and the signature of the director of the department and the seal of his office, and setting forth the date issued and a description of the vehicle as determined by the department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle therein described, and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement.

(e) In all cases of transfer of motor vehicles the application for certificates of title shall be filed within ten (10) days after the delivery of such motor vehicles, provided, licensed dealers need not apply for certificate of title for such motor vehicles in stock or when such are acquired for stock purposes.

(f) In the case of the sale of a motor vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. If a lien is to be recorded, the title documentation as required in this section shall be submitted to an agent of the department by the dealer or the lienholder upon application signed by the purchaser. In all other cases such certificates shall be obtained by the purchaser.

(g) If the motor vehicle has no engine and no identification number, then the department shall designate an identification number for such motor vehicle at the time of issuance of the certificate of title, which identification number shall be permanently affixed to or indented upon the frame of the motor vehicle and legibly maintained thereon by the owner at all times while a certificate of title to such vehicle shall be issued and outstanding.

SECTION 2. That Section 49-504, Idaho Code, as enacted by Section 2, House Bill No. 85, First Regular Session, Forty-ninth Idaho Legislature be, and the same is hereby amended to read as follows:

49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE --IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be made upon a form furnished by the department and shall contain a full description of the motor vehicle including the make, the engine or identification numbers, and the odometer reading at the time of sale or transfer, and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon the vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and any other information as the department may require. The department may promulgate rules and regulations to provide for exceptions to the odometer requirement. The application shall be filed with the department, and if a certificate of title has previously been issued for that motor vehicle in this state, shall be accompanied by the certificate of title duly assigned, unless otherwise provided for in this chapter.

(2) If a certificate of title has not previously been issued for the motor vehicle in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or a duly certified copy thereof, or by a certificate of title, bill of sale or other evidence of ownership required by the law of any other state from which the motor vehicle was brought into this state.

(3) In the case of a new motor vehicle being titled for the first time, no certificate of title or registration shall be issued unless the application is endorsed by a franchised new motor vehicle dealer licensed to sell a new motor vehicle. Each application shall be accompanied by a manufacturers' certificate of origin or manufacturers' statement of origin executed by the manufacturer and delivered to his agent or his franchised motor vehicle dealer. The certificate or statement of origin shall be in a form prescribed by the board and shall contain the year of manufacture or the model year of the motor vehicle, the manufacturer's vehicle identification number, the name of the manufacturer, the number of cylinders, a general description of the body, if any, and the type or model. Upon sale of a new motor vehicle, the manufacturer, his agent or franchised dealer shall execute and deliver to the purchaser an assignment of the certificate or statement, together with any lien or encumbrance to which the vehicle is subject.

(4) The department shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The department shall maintain an engine or identification numbers index of

registered motor vehicles, and upon receiving an application for a certificate of title, shall first check the engine or identification number shown in the application against the index and against the stolen and recovered motor vehicle index required to be maintained by section 49-509, Idaho Code. The department, when satisfied that the applicant is the owner of the motor vehicle and that the application is in proper form, shall issue in the name of the owner of the vehicle a certificate of title bearing a title number, the signature of the director of the department, the seal of his office, the date issued and a description of the vehicle as determined by the department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle, and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement.

(5) In all cases of transfer of motor vehicles the application for certificates of title shall be filed within ten (10) days after the delivery of the motor vehicles. Licensed dealers need not apply for certificate of title for motor vehicles in stock or when they are acquired for stock purposes.

(6) In the case of the sale of a motor vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. If a lien is to be recorded, the title documentation as required in this section shall be submitted to the department by the dealer or the lienholder upon application signed by the purchaser. In all other cases the certificates shall be obtained by the purchaser.

(7) If the motor vehicle has no engine and no identification number, then the department shall designate an identification number for that motor vehicle at the time of issuance of the certificate of title. The identification number shall be permanently affixed to or indented upon the frame of the motor vehicle and legibly maintained by the owner at all times while a certificate of title to the vehicle shall be issued and outstanding.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after its passage and approval. Section 2 of this act shall be in full force and effect on and after April 1, 1988.

Approved March 31, 1987.

CHAPTER 196
(S.B. No. 1130)

AN ACT

RELATING TO THE LEVY OF AN ASSESSMENT ON THE SCALE OF ALL FOREST PRODUCTS HARVESTED WITHIN THE STATE OF IDAHO; AMENDING SECTION 38-1209, IDAHO CODE, TO INCREASE THE CEILING ON THE ASSESSMENT ON THE SCALE OF ALL FOREST PRODUCTS HARVESTED WITHIN THE STATE OF

IDAHO.

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

SECTION 1. That Section 38-1209, Idaho Code, be, and the same is hereby amended to read as follows:

38-1209. LEVY OF ASSESSMENT -- BUDGET -- HEARING -- FUNDS -- BOND OF SECRETARY -- SALARY. (a) The board is hereby authorized and directed to levy an assessment on the scale of all forest products harvested within the state of Idaho in an amount not to exceed ~~ten~~ eleven cents (~~10~~11¢) per thousand (1,000) board feet, provided that no such assessment shall be levied more than once on any forest product. The board shall set times and places for its meetings and shall hold not less than four (4) meetings in each calendar year. The board shall designate a meeting date on which a budget shall be adopted and assessment shall be levied. Notice of such meeting shall be given thirty (30) days prior thereto in a newspaper of general circulation throughout the state. The board shall designate and levy an assessment as herein provided to raise moneys necessary to fund operations of the board and the state scaling program established by this chapter based upon the budget adopted and notice of such levy shall be given in the notice of the budget. The budget and assessment shall become effective upon adoption by the board. In the event a written request is made therefor by any interested person within thirty (30) days after notice of the budget and assessment has been published, the board shall set a time and place for a hearing at which any person may submit recommendations for changes in the budget and the assessment. Thereafter the board shall either confirm or modify the budget and assessment and cause notice of such action to be published in a newspaper of general circulation throughout the state within ten (10) days after such action. If the budget or the assessment is modified, the modification shall become effective upon publication. Such hearing shall be held not later than thirty (30) days after receipt of a written request therefor.

(b) The assessment herein provided shall be levied against and paid by the purchaser. The term "purchaser" as used herein shall also include the owner of the timber where the owner processes or utilizes the forest products in its operations or where the owner sells forest products outside the state of Idaho and the forest products are scaled within the state of Idaho, provided that the assessment provided in this chapter shall not be levied against the United States of America, nor any unit nor agency thereof. The assessment shall be transmitted to the board on or before the twentieth day of each month for all timber harvested during the previous month.

(c) The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate account to be known as the "state scaling account," which is hereby created in the state treasury. Such account shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only on approval of the board. All moneys in the "state

scaling account" are hereby continually appropriated for the use of the board. The board may establish, maintain and use a rotary fund as provided by state law. The secretary of the board shall give a surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "state scaling account." The secretary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided in section 38-1205, Idaho Code. The board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this account for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act. All warrants on said "state scaling account" shall be drawn by the state auditor on vouchers by the board and the state board of examiners.

Approved March 31, 1987.

CHAPTER 197
(S.B. No. 1131)

AN ACT

RELATING TO THE APPOINTMENT OF COMMISSIONERS TO THE PACIFIC MARINE FISHERIES COMPACT COMMISSION; AMENDING SECTION 36-2003, IDAHO CODE, TO PROVIDE THAT TWO COMMISSIONERS SHALL BE APPOINTED BY THE GOVERNOR, A MEMBER OF THE FISH AND GAME COMMISSION AND A MEMBER OF THE STATE LEGISLATURE.

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

SECTION 1. That Section 36-2003, Idaho Code, be, and the same is hereby amended to read as follows:

36-2003. COMMISSION -- MEMBERS. In furtherance of the provisions contained in the compact, there shall be three (3) members of the commission from the state of Idaho. One (1) such commissioner shall be the director or other officer of the Idaho department of fish and game charged with the conservation of the state's anadromous fisheries resource. The other two (2) commissioners shall be ~~members of the Idaho fish and game commission who shall be appointed by the chairman of the Idaho fish and game commission~~ appointed by the governor: one (1) commissioner shall be a member of the fish and game commission and one (1) commissioner shall be a member of the state legislature.

Approved March 31, 1987.

CHAPTER 198
(S.B. No. 1172, As Amended)

AN ACT

RELATING TO POLYCHLORINATED BIPHENYL (PCB) WASTE DISPOSAL; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 62, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS AND PURPOSES, TO PROVIDE DEFINITIONS, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE AUTHORITY TO ADOPT RULES AND REGULATIONS, TO PROVIDE GENERAL POWERS AND DUTIES OF THE DIRECTOR, TO PROVIDE A PROHIBITION ON UNAUTHORIZED DISPOSAL OF PCB WASTE, TO PROVIDE AUTHORITY RELATING TO RECORDS, REPORTS AND MONITORING, TO PROVIDE INSPECTION AND RIGHT OF ENTRY AUTHORITY, TO PROVIDE ENFORCEMENT PROCEDURES, TO PROVIDE REMEDIES FOR VIOLATIONS, TO PROVIDE THAT CERTAIN VIOLATIONS CONSTITUTE MISDEMEANORS, TO PROVIDE ENCOURAGEMENT OF INTERSTATE COOPERATION, TO PROVIDE EMPLOYMENT SECURITY PROTECTIONS, TO PROVIDE GOOD SAMARITAN PROTECTION, AND TO PROVIDE SEVERABILITY; AMENDING SECTION 39-115, IDAHO CODE, TO SPECIFY CRITERIA FOR ISSUANCE OF A PERMIT TO INCINERATE CERTAIN PCB WASTES, TO PROVIDE A GRANDFATHER CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Title 39, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 62, Title 39, Idaho Code, and to read as follows:

CHAPTER 62
PCB WASTE DISPOSAL

39-6201. SHORT TITLE. This act may be known and cited as the "PCB Waste Disposal Act of 1987."

39-6202. LEGISLATIVE FINDINGS AND PURPOSES. (1) The legislature of the state of Idaho finds:

(a) That the public health and safety, and the environment, are threatened when PCB wastes are not disposed of in an environmentally sound manner;

(b) That the knowledge and technology necessary for alleviating adverse health, environmental and aesthetic impacts resulting from current PCB waste disposal practices are generally available; and

(c) That the problem of proper disposal of PCB waste has become a matter of great statewide concern.

(2) Therefore, it is hereby declared that the purposes of this act are:

(a) To protect the public health and safety, the health of living organisms, and the environment from the effects of the improper, inadequate, or unsound disposal of PCB waste;

(b) To assure the safe and adequate disposal of PCB wastes within

the state.

39-6203. DEFINITIONS. As used in this chapter:

(1) "Board" means the Idaho board of health and welfare.

(2) "Commercial PCB waste facility or site" means any facility which engages in the treatment, storage or disposal, for a fee or other consideration, of PCB 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 to intentionally or accidentally discard, throw away, or otherwise complete or terminate the useful life of PCB waste within a PCB waste facility or site. Disposal includes spills, leaks, and other uncontrolled discharges of PCB waste as well as actions related to containment, destruction, degradation, decontamination or storage of PCB waste within a PCB waste facility or site.

(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 PCB waste.

(7) "Manifest" means a form used for identifying the quantity, composition, origin, routing, waste identification code(s), and destination of PCB waste during any transportation from the point of generation to the point of treatment, storage or disposal.

(8) "PCB" means polychlorinated biphenyl.

(9) "PCB waste" means any waste or waste item which is contaminated with PCB.

(10) "PCB waste facility or site" means any property, structure, or ancillary equipment intended or used for the disposal of PCB wastes.

(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) "Polychlorinated biphenyl" means any chemical substance limited to the biphenyl molecule that has been chlorinated to varying degrees.

(13) "Storage" means the containment of PCB wastes, on a temporary basis or for a period of years, in such a manner as to not constitute disposal of such PCB wastes.

(14) "Transportation" means the movement of any PCB waste to or from a PCB waste facility or site.

(15) "Transporter" means any person who transports a PCB waste to or from a PCB 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 PCB 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 PCB waste to render it nonhazardous.

(17) "TSCA" means the toxic substances control act, as amended, 15 U.S.C., section 2601, et seq.

(18) "Waste" means any solid, semisolid, liquid or contained gaseous material for which no reasonable use or reuse is intended or which is intended to be discarded.

39-6204. LEGISLATIVE INTENT. The legislature intends that the state of Idaho enact and carry out a PCB waste program to regulate the disposal of PCB waste.

The legislature finds that the TSCA and regulations adopted pursuant thereto, establish complex and detailed provisions for regulation of those who generate, transport, treat, store and dispose of PCB 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 TSCA. Though the legislature desires to avoid the existence of duplicative, overlapping or conflicting state and federal regulatory systems, the legislature finds that PCB waste disposal should be regulated by the state through rules and regulations promulgated by the board in a manner consistent with this chapter, TSCA, and regulations adopted pursuant thereto by the administrator of the United States environmental protection agency.

39-6205. 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 to regulate the disposal of PCB wastes through land disposal or incineration within the state. The board may not adopt any rule more stringent or broader in scope than TSCA and the regulations adopted pursuant thereto relating to the disposal of PCB wastes through land disposal or incineration, and shall amend or repeal any conflicting rules existing on the effective date of this chapter, including rules adopted by senate concurrent resolution no. 126 of the second regular session of the forty-eighth legislature in 1986; provided, that the board may promulgate rules and regulations for incineration of PCB wastes including those not regulated by TSCA pursuant to section 39-115, Idaho Code; and provided further, that the board may promulgate procedural rules and regulations, and rules and regulations specifically authorized by this chapter or other Idaho law. Any rule or regulation promulgated by the board shall be valid until repealed or modified through the administrative process of chapter 52, title 67, Idaho Code.

39-6206. GENERAL POWERS AND DUTIES OF DIRECTOR. The director:

(1) Shall take all actions not inconsistent with this chapter as are necessary and feasible to enable the department to regulate PCB disposal consistent with TSCA.

(2) May conduct and publish studies of PCB waste disposal in this state.

(3) Shall exercise all powers and discharge all duties expressed in or implied from the provisions of this chapter.

39-6207. UNAUTHORIZED DISPOSAL OF PCB WASTE PROHIBITED. No person shall incinerate or dispose any PCB waste in such a manner that the waste, or any constituent thereof, may enter the environment, except in compliance with the provisions of this chapter and any regulations pursuant hereto.

39-6208. RECORDS -- REPORTING -- MONITORING. (1) 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) Information obtained by the department or by agents, contractors, or other representatives of the department, under any provisions of this 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 TSCA. The provisions of this section shall not limit the department's authority to release confidential information during any emergency involving PCB waste, if the director determines that release of the information is necessary to safeguard the public interest.

39-6209. INVESTIGATION -- INSPECTION -- RIGHT OF ENTRY. (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 chapter or of any rule, regulation, permit or order promulgated thereunder, and may cause to be made such other investigations as 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, the director or 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, or water pollution sources related to the storage or disposal of PCB wastes.

(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 chapter, or of rules, regulations, permits or orders adopted and promulgated by the director or the board;

(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.

39-6210. ENFORCEMENT PROCEDURES. (1) Whenever the director determines that any person is in violation of any provision of this chapter or any, standard, regulation, condition, requirement, compliance agreement or order issued or promulgated pursuant to this chapter, one or more of the following actions may be taken:

(a) ADMINISTRATIVE ENFORCEMENT ACTIONS.

(A) 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, 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.

(B) Scheduling Compliance Conference. If a recipient of a notice of violation contacts the department within fifteen (15) days of 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 of receipt of notice, unless a later date is agreed upon between the parties. If a compliance conference is not requested, the direc-

tor may proceed with a civil enforcement action as provided in subsection (1)(b) of this section.

(C) 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 for assuring future compliance. 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 for payment of any agreed civil penalty.

(D) 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.

(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 (1)(a)(2) of this section, the director may commence and prosecute a civil enforcement action in district court, in accordance with subsection (1)(b) of this section.

(b) CIVIL ENFORCEMENT ACTION. The 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, condition, requirement, consent order, or order which has become effective pursuant to this chapter. Such action may be brought to compel compliance with any provision of this chapter or with any rule, regulation, 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 commence and prosecute 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.

(2) 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.

(3) LIMITATION OF ACTION FOR ADMINISTRATIVE AND CIVIL COURT PROCEEDINGS BROUGHT UNDER THE PROVISIONS OF THIS CHAPTER. No civil or administrative proceeding may be brought to recover for a violation of this chapter or any, standard, regulation, condition, requirement or order issued or promulgated pursuant to this chapter more than two (2) years after the director had knowledge or ought reasonably to have had knowledge of the violation.

39-6211. REMEDIES. (1) Any person determined in a civil enforcement action to have violated any provision of this chapter or any rule, regulation, permit or order promulgated pursuant to this chapter shall be liable for a civil penalty not to exceed ten thousand dollars ($10,000) per violation or one thousand dollars ($1,000) for each day of a continuing violation, whichever is greater. The method of recovery of the penalty shall be by a civil enforcement action in and for the county where the violation occurred. All civil penalties collected under this chapter shall be paid into the general account of the state operating fund. Parties to an administrative enforcement action may agree to a civil penalty as provided in this subsection.

(2) In addition to such civil penalties, any person who has been determined to have violated the provisions of this chapter or the rules, regulations, permits or order 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.

(3) No action taken pursuant to the provisions of this chapter 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 chapter or of the rules, regulations, permits and order promulgated thereunder.

(4) In addition to, and notwithstanding other provisions of this chapter, in circumstances of emergency creating conditions of imminent and substantial danger to the public health or environment, the attorney general may institute a civil action for an immediate injunction to halt any discharge, emission or other activity in violation of the provisions of this chapter or rules, regulations, permits and orders promulgated thereunder. In such action the court may issue an ex parte restraining order.

39-6212. VIOLATION -- PENALTY -- MISDEMEANOR. Any person who knows or has reason to know that he or she is violating any of the provisions of this chapter 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 ten thousand dollars ($10,000) for each separate violation or one thousand dollars ($1,000) per day for continuing violations, whichever is greater.

39-6213. INTERSTATE COOPERATION. The director shall have the

power and the duty to encourage cooperative activities between the department and other states for the improved management of PCB wastes, and so far as is practical, to provide for uniform state regulations and for interstate agreements relating to PCB waste management. The state may enter into such agreements with other states to accomplish the purposes as set out in this chapter.

39-6214. EMPLOYMENT SECURITY. (1) No employee of a PCB waste disposal facility or site shall be dismissed, suspended, or otherwise discriminated against because the employee testifies, provides information or otherwise assists in the enforcement or administration of the provisions of this chapter.

(2) Any employer who knowingly violates the provisions of subsection (1) of this section shall be liable for damages, costs and attorneys' fees, in addition to any other liability for relief authorized under this chapter, by any other statute, or by the common law.

39-6215. GOOD SAMARITAN PROTECTION. (1) Notwithstanding any provision of law to the contrary, no person who provides assistance or advice in mitigating or attempting to mitigate the effects of an actual or threatened leakage, seepage, or other release of PCB waste, or in preventing, cleaning up, or disposing of or in attempting to prevent, clean up or dispose of any such leakage, seepage or other release, shall be subject to civil liabilities or penalties of any type.

(2) The immunities provided in subsection (1) of this section above shall not apply to any person:

(a) Whose act or omission caused in whole or in part such actual or threatened leakage, seepage or other release and who would otherwise be liable therefor; or

(b) Who receives compensation other than reimbursement for out-of-pocket expenses for services in rendering such assistance or advice.

(3) Nothing in subsection (1) 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.

39-6216. 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 2. That Section 39-115, Idaho Code, be, and the same is hereby amended to read as follows:

39-115. POLLUTION SOURCE PERMITS. (1) The director shall have the authority to issue pollution source permits in compliance with the standards and procedures established by the board of health and welfare.

(2) The director shall have the authority to sue in the competent

courts to enjoin any threatened or continuing violations of any pollution source permits or conditions thereof without the necessity of a prior revocation of the permit.

(3) The director may issue air emission source permits to construct a facility to incinerate any waste or waste item contaminated with polychlorinated biphenyls (PCBs) only if the director finds:

(a) The facility will not be sited in complex valley terrain where the valley floor is less than five (5) miles wide and the valley walls rise more than one thousand (1,000) feet; and

(b) The facility has complied with local planning and zoning requirements;

(c) There has been an opportunity for public participation;

(d) The facility will employ best available technology and instrumentation.

Subsection (3) of this section shall not apply to incineration activities existing on or before January 1, 1987.

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 31, 1987.

CHAPTER 199
(S.B. No. 1199)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE SECRETARY OF STATE FOR FISCAL YEAR 1988, 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 exceed the following amounts for the designated programs from the listed accounts for the period July 1, 1987, through June 30, 1988:

FOR:	
Office of the Secretary of State	$ 635,600
Centralized Uniform Commercial Code	$ 565,900
Commission on Uniform Laws	9,000
Arts and Humanities Commission	691,700
TOTAL	$1,902,200
FROM:	
General Account	$1,408,100
Interagency Billing and Receipts Account	51,100

Idaho Commission on Arts & Humanities Account	443,000
TOTAL	$1,902,200

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, 1987, through June 30, 1988:

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	$456,100	$179,500			$635,600
II. CENTRALIZED UNIFORM COMMERCIAL CODE:					
FROM:					
General Account					$565,900
III. COMMISSION ON UNIFORM LAWS:					
FROM:					
General Account		$ 9,000			$ 9,000
IV. ARTS AND HUMANITIES COMMISSION:					
FROM:					
General Account	$125,500	$ 20,800	$6,600	$ 44,700	$197,600
Interagency Billing and Receipts Account		45,300		5,800	51,100
Idaho Commission on Arts and Humanities Account	78,600	184,900		179,500	443,000
TOTAL	$204,100	$251,000	$6,600	$230,000	$691,700

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 March 31, 1987.

CHAPTER 200
(H.B. No. 19)

AN ACT

RELATING TO BEER; AMENDING SECTION 23-1001, IDAHO CODE, TO CLARIFY THE DEFINITION OF PREMISES.

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

SECTION 1. That Section 23-1001, Idaho Code, be, and the same is hereby amended to read as follows:

23-1001. DEFINITIONS. As used in this act:

(a) The word "beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of barley, malt, and/or other ingredients in drinkable water.

(b) The word "person" includes any individual, firm, copartnership, association, corporation or any 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.

(c) The term "dealer" shall include any person who imports beer into this state for sale or produces or manufactures beer in the state for sale.

(d) The word "retailer" means any person engaged in the sale or distribution of beer to the consumer.

(e) The word "director" means the director of the department of law enforcement.

(f) The word "brewer" means any person having a factory or an establishment adapted for the making of beer.

(g) The word "wholesaler" means any person having a store or establishment for the wholesale and distribution of beer in wholesale or jobbing quantities to retailers.

(h) The word "package" means any container of bottled beer of not less than two (2) gallons capacity or keg of not less than four (4) gallons capacity.

(i) The word "carrier" means any person as herein defined who by any means transports beer in or into the state of Idaho.

(j) The word "premises" means the ~~place or~~ building and contiguous property owned, or leased or used under government permit by a licensee as part of the business establishment in the business of sale of beer 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 beer at retail is authorized under the provisions of ~~this act~~ law.

Approved March 31, 1987.

CHAPTER 201
(H.B. No. 106)

AN ACT

RELATING TO LIBRARY DISTRICTS; AMENDING SECTION 33-2722C, IDAHO CODE, TO PROVIDE THAT POST CARD NOTICE REQUIREMENTS SHALL APPLY TO CREATION OF, ADDITION TO OR ADJUSTMENT OF BOUNDARIES OF LIBRARY DISTRICTS.

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

SECTION 1. That Section 33-2722C, Idaho Code, be, and the same is hereby amended to read as follows:

33-2722C. NOTICE OF FILING OF PETITION OR PETITIONS FOR ORGANIZING A LIBRARY DISTRICT, FOR ADDING TO OR ADJUSTING BOUNDARIES OF LIBRARY DISTRICTS -- CONFIRMATION OF EXISTING LIBRARY DISTRICTS. When a petition or petitions are filed with the board of county commissioners requesting the creation of a library district, the addition of a part of a county to an existing library district, or the adjustment of boundary lines of library districts, as provided in chapter 27, title 33, Idaho Code, the sending of post card notices as outlined in section 31-863, Idaho Code, shall ~~have--no--application~~ apply. All existing library districts on the effective date of this act organized pursuant to chapter 27, title 33, Idaho Code, are hereby confirmed in organization and operation, notwithstanding that the county commissioners may not have caused post card notices to be sent as provided in section 31-863, Idaho Code.

Approved March 31, 1987.

CHAPTER 202
(H.B. No. 118, As Amended)

AN ACT

RELATING TO THE UNIFORM FRAUDULENT TRANSFERS ACT; REPEALING SECTION 55-910 THROUGH AND INCLUDING SECTION 55-922, IDAHO CODE; AMENDING CHAPTER 9, TITLE 55, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 55-910, 55-911, 55-912, 55-913, 55-914, 55-915, 55-916, 55-917, 55-918, 55-919, 55-920 AND 55-921, IDAHO CODE, TO PROVIDE DEFINITIONS; TO DESCRIBE THE CONDITIONS WHEREBY A PERSON OR PARTNERSHIP IS INSOLVENT; TO DESCRIBE WHEN VALUE HAS BEEN GIVEN IN A TRANSACTION, TO DESCRIBE REASONABLY EQUIVALENT VALUE AND PRESENT VALUE; TO PROVIDE INSTANCES WHERE A TRANSACTION IS FRAUDULENT AS TO PRESENT AND FUTURE CREDITORS; TO PROVIDE INSTANCES WHERE A TRANSACTION IS FRAUDULENT AS TO PRESENT CREDITORS; TO DEFINE WHEN A TRANSFER IS MADE OR AN OBLIGATION IS INCURRED; TO PROVIDE REMEDIES OF CREDITORS; TO PROVIDE DEFENSES AND THE EXTENT OF LIABILITY AND

PROTECTION FOR A TRANSFEREE; TO PROVIDE INSTANCES WHEN A CAUSE OF ACTION MAY BE EXTINGUISHED; TO PROVIDE FOR THE APPLICATION OF GENERAL LAW FOR ANY CASE NOT COVERED UNDER THIS ACT; TO REQUIRE UNIFORMITY OF APPLICATION AND CONSTRUCTION; AND TO PROVIDE A SHORT TITLE.

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

SECTION 1. That Sections 55-910 through and including Section 55-922, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 9, Title 55, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 55-910, 55-911, 55-912, 55-913, 55-914, 55-915, 55-916, 55-917, 55-918, 55-919, 55-920 and 55-921, Idaho Code, and to read as follows:

55-910. UNIFORM FRAUDULENT TRANSFER ACT -- DEFINITIONS. As used in this act:

(1) "Affiliate" means:

(a) A person who directly or indirectly owns, controls, or holds with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

1. as a fiduciary or agent without sole discretionary power to vote the securities; or

2. solely to secure a debt, if the person has not exercised the power to vote;

(b) A corporation twenty percent (20%) or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote, by the debtor or a person who directly or indirectly owns, controls, or holds with power to vote, twenty percent (20%) or more of the outstanding voting securities of the debtor, other than a person who holds the securities:

1. as a fiduciary or agent without sole power to vote the securities; or

2. solely to secure a debt, if the person has not in fact exercised the power to vote;

(c) A person whose business is operated by the debtor under a lease or other agreement, or a person substantially all of whose assets are controlled by the debtor; or

(d) A person who operates the debtor's business under a lease or other agreement or controls substantially all of the debtor's assets.

(2) "Asset" means property of a debtor, but the term does not include:

(a) Property to the extent it is encumbered by a valid lien;

(b) Property to the extent it is generally exempt under nonbankruptcy law.

(3) "Claim" means a right to payment, whether or not the right is reduced to judgment, liquidated, unliquidated, fixed, contingent,

matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured.

(4) "Creditor" means a person who has a claim.

(5) "Debt" means liability on a claim.

(6) "Debtor" means a person who is liable on a claim.

(7) "Insider" includes:

(a) If the debtor is an individual:

1. a relative of the debtor or of a general partner of the debtor;

2. a partnership in which the debtor is a general partner;

3. a general partner in a partnership described in subsection (7)(a)2. of this section; or

4. a corporation of which the debtor is a director, officer, or person in control;

(b) If the debtor is a corporation:

1. a director of the debtor;

2. an officer of the debtor;

3. a person in control of the debtor;

4. a partnership in which the debtor is a general partner;

5. a general partner in a partnership described in subsection (7)(b)4. of this section; or

6. a relative of a general partner, director, officer, or person in control of the debtor;

(c) If the debtor is a partnership:

1. a general partner in the debtor;

2. a relative of a general partner in, or a general partner of, or a person in control of the debtor;

3. another partnership in which the debtor is a general partner;

4. a general partner in a partnership described in subsection (7)(c)3., of this section; or

5. a person in control of the debtor;

(d) An affiliate, or an insider of an affiliate as if the affiliate were the debtor; and

(e) A managing agent of the debtor.

(8) "Lien" means a charge against or an interest in property to secure payment of a debt or performance of an obligation, and includes a security interest created by agreement, a judicial lien obtained by legal or equitable process or proceedings, a common-law lien, or a statutory lien.

(9) "Person" means an individual, partnership, corporation, association, organization, government or governmental subdivision or agency, business trust, estate, trust, or any other legal or commercial entity.

(10) "Property" means anything that may be the subject of ownership.

(11) "Relative" means an individual related by consanguinity within the third degree as determined by the common law, a spouse, or an individual related to a spouse within the third degree as so determined, and includes an individual in an adoptive relationship within the third degree.

(12) "Transfer" means every mode, direct or indirect, absolute or

conditional, voluntary or involuntary, of disposing of or parting with an asset or an interest in an asset, and includes payment of money, release, lease, and creation of a lien or other encumbrance.

(13) "Valid lien" means a lien that is effective against the holder of a judicial lien subsequently obtained by legal or equitable process or proceedings.

55-911. INSOLVENCY DEFINED. (1) A debtor is insolvent if the sum of the debtor's debts is greater than all of the debtor's assets, at a fair valuation.

(2) A debtor who is generally not paying his or her debts as they become due is presumed to be insolvent.

(3) A partnership is insolvent under subsection (1) of this section if the sum of the partnership's debts is greater than the aggregate of all of the partnership's assets, at a fair valuation, and the sum of the excess of the value of each general partner's nonpartnership assets over the partner's nonpartnership debts.

(4) Assets under this section do not include property that has been transferred, concealed, or removed with intent to hinder, delay, or defraud creditors or that has been transferred in a manner making the transfer voidable under this act.

(5) Debts under this section do not include an obligation to the extent it is secured by a valid lien on property of the debtor not included as an asset.

55-912. VALUE DEFINED. (1) Value is given for a transfer or an obligation if, in exchange for the transfer or obligation, property is transferred or an antecedent debt is secured or satisfied, but value does not include an unperformed promise made otherwise than in the ordinary course of the promissor's business to furnish support to the debtor or another person.

(2) For the purposes of sections 55-913(1)(b) and 55-914, Idaho Code, a person gives a reasonably equivalent value if the person acquires an interest of the debtor in an asset pursuant to a regularly conducted, noncollusive foreclosure sale or execution of a power of sale for the acquisition or disposition of the interest of the debtor upon default under a mortgage, deed of trust, or security agreement.

(3) A transfer is made for present value if the exchange between the debtor and the transferee is intended by them to be contemporaneous and is in fact substantially contemporaneous.

55-913. TRANSFERS FRAUDULENT AS TO PRESENT AND FUTURE CREDITORS. (1) A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, whether the creditor's claim arose before or after the transfer was made or the obligation was incurred, if the debtor made the transfer or incurred the obligation:

(a) With actual intent to hinder, delay, or defraud any creditor of the debtor; or

(b) Without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor:

1. was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were

unreasonably small in relation to the business or transaction; or

2. intended to incur, or believed or reasonably should have believed that he or she would incur, debts beyond his or her ability to pay as they became due.

(2) In determining actual intent under subsection (1)(a) of this section, consideration may be given, among other factors, as to whether:

(a) The transfer or obligation was to an insider;

(b) The debtor retained possession or control of the property transferred after the transfer;

(c) The transfer or obligation was disclosed or concealed;

(d) Before the transfer was made or obligation was incurred, the debtor had been sued or threatened with suit;

(e) The transfer was of substantially all the debtor's assets;

(f) The debtor abscounded;

(g) The debtor removed or concealed assets;

(h) The value of the consideration received by the debtor was reasonably equivalent to the value of the asset transferred or the amount of the obligation incurred;

(i) The debtor was insolvent or became insolvent shortly after the transfer was made or the obligation was incurred;

(j) The transfer occurred shortly before or shortly after a substantial debt was incurred; and

(k) The debtor transferred the essential assets of the business to a lienor who transferred the assets to an insider of the debtor.

55-914. TRANSFERS FRAUDULENT AS TO PRESENT CREDITORS. (1) A transfer made or obligation incurred by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made or the obligation was incurred if the debtor made the transfer or incurred the obligation without receiving a reasonably equivalent value in exchange for the transfer or obligation and the debtor was insolvent at that time or the debtor became insolvent as a result of the transfer or obligation.

(2) A transfer made by a debtor is fraudulent as to a creditor whose claim arose before the transfer was made if the transfer was made to an insider for an antecedent debt, the debtor was insolvent at that time, and the insider had reasonable cause to believe that the debtor was insolvent.

55-915. WHEN TRANSFER IS MADE OR OBLIGATION IS INCURRED. For the purposes of this act:

(1) A transfer is made:

(a) With respect to an asset that is real property other than a fixture, but including the interest of a seller or purchaser under a contract for the sale of the asset, when the transfer is so far perfected that a good-faith purchaser of the asset from the debtor against whom applicable law permits the transfer to be perfected cannot acquire an interest in the asset that is superior to the interest of the transferee; and

(b) With respect to an asset that is not real property or that is a fixture, when the transfer is so far perfected that a creditor on a simple contract cannot acquire a judicial lien otherwise than under this act that is superior to the interest of the transferee;

(2) If applicable law permits the transfer to be perfected as provided in subsection (1) of this section and the transfer is not so perfected before the commencement of an action for relief under this act, the transfer is deemed made immediately before the commencement of the action;

(3) If applicable law does not permit the transfer to be perfected as provided in subsection (1) of this section, the transfer is made when it becomes effective between the debtor and the transferee;

(4) A transfer is not made until the debtor has acquired rights in the asset transferred;

(5) An obligation is incurred:

(a) If oral, when it becomes effective between the parties; or

(b) If evidenced by a writing, when the writing executed by the obligor is delivered to or for the benefit of the obligee.

55-916. REMEDIES OF CREDITORS. (1) In an action for relief against a transfer or obligation under this act, a creditor, subject to the limitations in section 55-917, Idaho Code, may obtain:

(a) Avoidance of the transfer or obligation to the extent necessary to satisfy the creditor's claim;

(b) An attachment or other provisional remedy against the asset transferred or other property of the transferee in accordance with the procedure prescribed in chapter 5, title 8, Idaho Code;

(c) Subject to applicable principles of equity and in accordance with applicable rules of civil procedure;

1. an injunction against further disposition by the debtor or a transferee, or both, of the asset transferred or of other property;

2. appointment of a receiver to take charge of the asset transferred or of other property of the transferee; or

3. any other relief the circumstances may require.

(2) If a creditor has obtained a judgment on a claim against the debtor, the creditor, if the court so orders, may levy execution on the asset transferred or its proceeds.

55-917. DEFENSES, LIABILITY, AND PROTECTION OF TRANSFEREE. (1) A transfer or obligation is not voidable under section 55-913(1)(a), Idaho Code, against a person who took in good faith and for a reasonably equivalent value or against any subsequent transferee or obligee.

(2) Except as otherwise provided in this section, to the extent a transfer is voidable in an action by a creditor under section 55-916(1)(a), Idaho Code, the creditor may recover judgment for the value of the asset transferred, as adjusted under subsection (3) of this section, or the amount necessary to satisfy the creditor's claim, whichever is less. The judgment may be entered against:

(a) The first transferee of the asset or the person for whose benefit the transfer was made; or

(b) Any subsequent transferee other than a good-faith transferee

or obligee who took for value or from any subsequent transferee or obligee.

(3) If the judgment under subsection (2) of this section is based upon the value of the asset transferred, the judgment must be for an amount equal to the value of the asset at the time of the transfer, subject to adjustment as the equities may require.

(4) Notwithstanding voidability of a transfer or an obligation under this act, a good-faith transferee or obligee is entitled, to the extent of the value given the debtor for the transfer or obligation, to:

(a) A lien on or a right to retain any interest in the asset transferred;

(b) Enforcement of any obligation incurred; or

(c) A reduction in the amount of the liability on the judgment.

(5) A transfer is not voidable under sections 55-913(1)(b) or 55-914, Idaho Code, if the transfer results from:

(a) Termination of a lease upon default by the debtor when the termination is pursuant to the lease and applicable law; or

(b) Enforcement of a security interest in compliance with chapter 9, title 28, Idaho Code.

(6) A transfer is not voidable under section 55-914(2), Idaho Code:

(a) To the extent the insider gave new value to or for the benefit of the debtor after the transfer was made unless the new value was secured by a valid lien;

(b) If made in the ordinary course of business or financial affairs of the debtor and the insider; or

(c) If made pursuant to a good-faith effort to rehabilitate the debtor and the transfer secured present value given for that purpose as well as an antecedent debt of the debtor.

55-918. EXTINGUISHMENT OF A CAUSE OF ACTION. A cause of action with respect to a fraudulent transfer or obligation under this act is extinguished unless action is brought:

(1) Under section 55-913(1)(a), Idaho Code, within four (4) years after the transfer was made or the obligation was incurred or, if later, within one (1) year after the transfer or obligation was or could reasonably have been discovered by the claimant;

(2) Under section 55-913(1)(b) or 55-914(1), Idaho Code, within four (4) years after the transfer was made or the obligation was incurred; or

(3) Under section 55-914(2), Idaho Code, within one (1) year after the transfer was made or the obligation was incurred.

55-919. APPLICATION OF GENERAL LAW. Unless displaced by the provisions of this act, the principles of law and equity, including the law merchant and the law relating to principal and agent, estoppel, laches, fraud, misrepresentation, duress, coercion, mistake, insolvency, or other validating or invalidating cause, supplement its provisions.

55-920. UNIFORMITY OF APPLICATION AND CONSTRUCTION. This act

shall be applied and construed to effectuate its general purpose to make uniform the law with respect to the subject of this act among states enacting it.

55-921. SHORT TITLE. This act may be cited as the "Uniform Fraudulent Transfer Act."

Approved March 31, 1987.

CHAPTER 203
(H.B. No. 176, As Amended)

AN ACT
RELATING TO THE SALE OF STEELHEAD TROUT; AMENDING SECTION 36-501, IDAHO CODE, TO PROVIDE FOR THE SALE OF STEELHEAD TROUT.

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

SECTION 1. That Section 36-501, Idaho Code, be, and the same is hereby amended to read as follows:

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

(a) Sale of Unprotected Wildlife. The sale of legally taken species of wildlife classified as unprotected by law shall be lawful.

(b) Sale of Game Animals. The sale of legally taken hides, horns, or heads of game animals, when detached from the carcass, and mounted wildlife, where sale is not specifically prohibited by federal or state statutes or regulations, shall be lawful only when the wildlife to be sold is accompanied by a statement showing that the animals were lawfully taken.

(c) Sale of Furbearers. The sale of pelts and parts of furbearers when legally taken shall be lawful.

(d) Sale of Seized Wildlife. The sale and purchase of court confiscated, abandoned, or unclaimed wildlife shall be lawful when made in accordance with the provisions of section 36-1304, Idaho Code.

(e) Sale of Commercially Raised or Harvested Wildlife. The sale of wildlife legally raised or harvested commercially by properly licensed commercial operations shall be lawful.

(f) Sale of Steelhead Trout. 1. Any person holding a wholesale steelhead trout buyer's license may purchase or sell steelhead trout in the state of Idaho that have been taken by Indian fishermen lawfully exercising fishing rights reserved by federal statute, treaty or executive order. A wholesale license is necessary to purchase steelhead trout directly from Indian fishermen or from any other seller whose principal place of business is located outside of the state of Idaho.

2. Any person holding a retail steelhead trout buyer's license

may purchase steelhead trout in the state of Idaho from an Idaho licensed wholesale steelhead trout buyer, or from any Indian fisherman lawfully exercising fishing rights authorized by federal statute, treaty, or executive order. A licensed retail steelhead trout buyer may sell steelhead trout directly to the consumer or to an establishment that prepares steelhead trout for consumption.

3. Establishments that prepare steelhead trout for consumption must possess a wholesale or retail steelhead trout buyer's license; however, these licensed establishments may purchase steelhead trout from either wholesale or retail licensed steelhead trout buyers.

4. The fee for a wholesale license shall be fifty dollars ($50.00) per year. The fee for a retail license shall be ten dollars ($10.00) per year. All fees collected pursuant to this subsection shall be deposited in the fish and game account created pursuant to section 36-107, Idaho Code. These licenses shall expire December 31 of the year for which they are valid.

5. No license is required for any person purchasing steelhead trout for personal consumption.

6. Purchases or sales under this section shall be made under conditions and reporting requirements prescribed by commission regulation, provided that said conditions and reporting requirements are limited to those necessary to identify the source of steelhead purchased.

Any person violating the provisions of this subsection shall be guilty of a misdemeanor and upon pleading guilty or being found guilty is punishable by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300) or imprisonment for a period not in excess of six (6) months or by both such fine and imprisonment.

(g) Commission May Permit Sales. The commission may, by regulation, permit the sale of other parts of wildlife when such sale will not injuriously affect the species permitted.

(gh) Any person who pleads guilty to or is found guilty of two (2) or more violations of the provisions of this section, occurring within five (5) years, notwithstanding the form of the judgment(s) or withheld judgment(s), shall be guilty of a felony if the violations consisted of sales not permitted by regulation, or any other violation of the provisions of this section, involving bighorn sheep, mountain goat, moose, elk, deer, pronghorn antelope, wild turkey, whistling swan, sturgeon or chinook salmon or parts of any of the aforementioned animals, birds or fish.

Approved March 31, 1987.

CHAPTER 204
(H.B. No. 195)

AN ACT

RELATING TO ATTORNEY FEES IN CIVIL ACTIONS; AMENDING SECTION 12-120,

IDAHO CODE, TO PROVIDE A DEFINITION FOR THE TERM PARTY.

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 twenty-five thousand dollars ($25,000) or less, there shall be taxed and allowed to the 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, written demand for the payment of such claim 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.

(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.

(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, 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. The term "party" is defined to mean any person, partnership, corporation, association, private organization, the state of Idaho or political subdivision thereof.

Approved March 31, 1987.

CHAPTER 205
(H.B. No. 197)

AN ACT

RELATING TO THE YIELD TAX ON FOREST PRODUCTS; AMENDING SECTION 63-1706, IDAHO CODE, TO PROVIDE THAT THE YIELD TAX ON FOREST PRODUCTS IS NOT SUBJECT TO THE PROVISIONS OF SECTION 63-2220, IDAHO CODE.

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

SECTION 1. That Section 63-1706, Idaho Code, be, and the same is hereby amended to read as follows:

63-1706. YIELD TAX ON APPLICABLE FOREST PRODUCTS. (1) All forest lands designated by the owner to be subject to the provisions of section 63-1703(b), Idaho Code, shall be appraised, assessed and taxed according to the provisions of this section.

(2) Forest lands held in private ownership and designated by the owner to be subject to the provisions of this section for ad valorem taxation shall be valued by the county assessor as real property at rates which reflect only bare forest land value as determined under rules and regulations of the state tax commission.

(3) All timber severed from lands subject to the provisions of this section and delivered to a point of utilization as logs or semiprocessed forest products, shall be subject to a forest products yield tax. This tax is in lieu of and replacement for, and not in addition to, ad valorem taxes on timber ~~and is subject to the limitations of section 63-2220, Idaho Code~~.

(4) The yield tax rate shall be three percent (3%) of stumpage value as determined by the state tax commission. In establishing stumpage values, the state tax commission shall:

(a) Divide the state into appropriate stumpage value zones, with each zone designated so as to recognize the uniqueness of timber marketing areas.

(b) By November 1, set stumpage values by zone for each species and/or product, for use in the reporting and payment of yield taxes for timber ~~served~~ severed during the following calendar year. Stumpage values shall be based on a five (5) year rolling average value of comparable timber harvested from state timber sales within the stumpage value zone and/or the best available data for the same five (5) year period.

(5) Report and payment of yield taxes is the direct liability and responsibility of the landowner at the time of severance. In the event of nonpayment, the yield taxes due shall constitute a lien on the assets of the landowner. Yield tax reports and payments are due and payable on December 20 for timber severed from January 1 through June 30. If the taxes due for said period are not paid on or before December 20, the payment becomes delinquent and subject to a penalty in the amount provided in section 63-1102, Idaho Code, and interest in the amount provided in section 63-1102, Idaho Code, calculated from the following January 1. No tax, penalty or interest may be paid to the county treasurer between December 21 and the fourth Monday in January because the books are closed for audit. Yield tax reports and payments are due and payable for timber severed from July 1 through December 31 on or before June 20 in the year following severance. If the taxes due for said period are not paid on or before June 20, the payment becomes delinquent and subject to a penalty in the amount provided in section 63-1102, Idaho Code, and interest in the amount provided in section 63-1102, Idaho Code, calculated from the following July 1. No tax, penalty or interest may be paid to the county treasurer between June 21 and the fourth Monday in July because the books are closed for

audit. All yield tax reports shall be filed with the county assessor on forms prescribed by the state tax commission.

(6) All yield tax revenues and any penalty or interest thereon shall be apportioned among the several county funds and taxing districts as provided for the apportionment of ad valorem taxes.

(7) The party utilizing logs or semiprocessed forest products as raw materials shall be required to report the quantity, species and source of all such materials to the Idaho department of lands. Such report shall be structured to comply with and act as a simultaneous report of data already required under the provisions of section 38-122, Idaho Code. The report format shall include the identification of the forest landowner at the source, legal description of the source, timber or product owner at time of severance, harvester and volume of forest products severed. The Idaho department of lands shall deliver to the various county assessors without fee, copies of these reports as they are available. In the event the point of utilization lies out of the state or a report is not required under the provisions of section 38-122, Idaho Code, the timber owner at time of severance shall be responsible for the reporting of the above-stated data to the department of lands.

(8) If reports required by this section are found to be intentionally false or when appropriate reports are not made, the assessor shall value the forest crop harvested, based on the best available estimates.

(9) Not reporting timber or forest products delivery or receipt as required by this section shall be deemed a misdemeanor.

(10) Buildings and other improvements, other than roads, located on forest lands shall be appraised, assessed and taxed as provided by applicable laws, rules and regulations.

Approved March 31, 1987.

CHAPTER 206
(H.B. No. 208, As Amended)

AN ACT

RELATING TO POWERS OF CITIES; AMENDING SECTION 50-1030, IDAHO CODE, TO PROVIDE THAT A CITY SHALL HAVE POWER TO SELL EXCESS OR SURPLUS WATER UNDER SUCH TERMS AS ARE IN COMPLIANCE WITH IDAHO WATER LAW GOVERNING CHANGE IN POINT OF DIVERSION, PLACE OF USE, PERIOD OF USE OR NATURE OF USE OF WATER UNDER ESTABLISHED WATER RIGHTS AND DEEMED ADVISABLE BY THE CITY, AND TO CORRECT A SPELLING.

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

SECTION 1. That Section 50-1030, Idaho Code, be, and the same is hereby amended to read as follows:

50-1030. POWERS. In addition to the powers which it may now have,

any city shall have power under and subject to the following provisions:

(a) To acquire by gift or purchase and to construct, reconstruct, improve, better or extend any works within or without the city, or partially within or partially without the city, or within any part of the city, and acquire by gift or purchase lands or rights in lands or water rights in connection therewith, including easements, rights-of-way, contract rights, leases, franchises, approaches, dams and reservoirs; to sell excess or surplus water under such terms as are in compliance with section 42-222, Idaho Code, and deemed advisable by the city; to lease any portion of the excess or surplus capacity of any such works to any party located within or without the city, subject to the following conditions: that such capacity shall be returned or replaced by the lessee when and as needed by such city for the purposes set forth in section 50-1028, Idaho Code, as determined by the city; that the city shall not be made subject to any debt or liability thereby; and the city shall not pledge any of its faith or credit in aid to such lessee;

(b) To rehabilitate existing electric generating facilities;

(c) To exercise the right of eminent domain for any of the works, purposes or uses provided by this act, in like manner and to the same extent as provided in section 7-720, Idaho Code;

(d) To operate and maintain any works or rehabilitated existing electrical generating facilities within or without the boundaries of the city, or partially within or without the boundaries of the city, or within any part of the city;

(e) To issue its revenue bonds hereunder to finance, in whole or in part, the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of any works, or to finance, in whole or in part, the cost of the rehabilitation of existing electrical generating facilities;

(f) To prescribe and collect rates, fees, tolls or charges, including the levy or assessment of such rates, fees, tolls or charges against governmental units, departments or agencies, including the state of Idaho and its subdivisions, for the services, facilities and commodities furnished by such works, or by such rehabilitated existing electrical generating facilities, and to provide methods of collections and penalties, including denial of service for nonpayment of such rates, fees, tolls or charges;

(g) To pledge an amount of revenue from such works or rehabilitated existing electrical generating facilities (including improvement, betterment or extensions thereto, thereafter constructed or acquired) sufficient to pay said bonds and interest as the same shall become due, and to create and maintain reasonable reserves therefor. Such amount may consist of all or any part or portion of such revenues. In determining such cost, there may be included all costs and estimated costs of the issuance of said bonds; all engineering, inspection, fiscal and legal expenses and interest which it is estimated will accrue during the construction period and for six (6) months thereafter on money borrowed or which it is estimated will be borrowed pursuant to sections 50-1027 through 50-1042, Idaho Code, and the costs of any bond reserve funds or working capital deemed neces-

sary in connection with the bond issue;

(h) In the procurement of off-street parking sites, facilities, equipment and appurtenances, any city shall have power, in addition to those heretofore conferred, to pledge the net revenues to be derived from on-street parking facilities not otherwise pledged, to be combined with the rates, fees, tolls and charges to be derived from the operation of off-street parking facilities, after the payment of all operative and maintenance costs, to the payment of revenue bonds and interest thereon issued under the authority of the revenue bond act;

(i) To issue bonds for the purpose of refunding any bonds theretofore issued under authority of the revenue bond act and to pay accrued interest and applicable redemption premiums on the bonds to be refunded, if the bonds to be refunded are due, callable or redeemable by their terms on or prior to the date that the refunding bonds are issued, or will become due, callable or redeemable by their terms within twelve (12) months thereafter, or if the bonds to be refunded, even though not becoming due, callable or redeemable within such period, are voluntarily surrendered by the holders thereof, for cancellation at the time of the issuance of the refunding bonds. All or part of any issue may be refunded and all or part of several issues may be refunded into a single issue of refunding bonds. There may be included with the refunding bonds, as part of a single issue, or in combination in one ~~(1)~~ or more series, bonds for any other purpose or purposes for which bonds are authorized to be issued under the revenue bond act. Refunding bonds shall be issued and secured in such manner as may be provided in the proceedings authorizing their issuance and as otherwise provided in the revenue bond act, and such changes may be made in the security and revenue pledged to the payment of the bonds so refunded, as provided by the governing body in the proceedings authorizing such bonds. No election on the issuance of refunding bonds shall be required, but if by an increase in the amount of bonds or by changes in the security or pledged revenues, the requirements of the constitution for an election shall become applicable, or if refunding bonds are combined into a single issue with bonds authorized for nonrefunding purposes, then such bonds with changes in security or revenues, or such bonds in excess of the amount of bonds refunded, as the case may be, must have been approved at an election as otherwise provided in the revenue bond act and the constitution. Refunding bonds may be exchanged for not less than a like principal amount of bonds authorized to be refunded, may be sold, or may be exchanged in part and sold in part. If sold, the proceeds of the sale, not required for the payment of expenses, and in any event, in an amount sufficient to assure the retirement of the bonds refundable, when such bonds become available for retirement, if not applied to a simultaneous payment and cancellation of the bonds refunded shall be escrowed with a bank or trust company and may be invested in United States government obligations or in obligations unconditionally guaranteed by the United States of America in such manner as may be provided in the authorizing proceedings.

Approved March 31, 1987.

CHAPTER 207
(H.B. No. 226, As Amended)

AN ACT

RELATING TO TERMINATION OF THE PARENTAL RELATIONSHIP; AMENDING SECTION 16-2005, IDAHO CODE, TO PRESCRIBE ADDITIONAL REQUIREMENTS FOR A FORM AND TO REQUIRE THE COURT TO HOLD A HEARING WHEN A PETITION FOR TERMINATION IS FILED WITHOUT AN ACCOMPANYING PETITION FOR ADOPTION; AMENDING SECTION 16-2007, IDAHO CODE, TO REQUIRE THAT THE IDAHO DEPARTMENT OF HEALTH AND WELFARE BE NOTIFIED AND TO PROVIDE FOR AN ORDER OF SUPPORT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 16-2008, IDAHO CODE, TO REQUIRE A REPORT ON UNREIMBURSED PUBLIC ASSISTANCE MONIES PAID BY THE STATE TO A CHILD; AMENDING SECTION 16-2009, IDAHO CODE, TO CORRECT A REFERENCE; AND PROVIDING SEVERABILITY.

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

SECTION 1. That Section 16-2005, Idaho Code, be, and the same is hereby amended to read as follows:

16-2005. CONDITIONS UNDER WHICH TERMINATION MAY BE GRANTED. The court may grant an order terminating the relationship where it finds one or more of the following conditions exist:

a. The parent has abandoned the child by having failed to maintain a normal parental relationship, including but not limited to reasonable support or regular personal contact; failure of the parent to maintain this relationship without just cause for a period of one (1) year shall constitute prima facie evidence of abandonment under this section.

b. The parent has neglected or abused the child. Neglect as used herein shall mean a situation in which the child lacks parental care necessary for his health, morals and well-being.

c. The presumptive parent is not the natural parent of the child.

d. The parent is unable to discharge parental responsibilities because of mental illness or mental deficiency, and there are reasonable grounds to believe the condition will continue for a prolonged indeterminate period and will be injurious to the health, morals or well-being of the child.

e. If termination is found to be in the best interest of the parent and child, where the petition has been filed by a parent or through an authorized agency, or interested party.

f. Where a consent to termination in the manner and form prescribed by this act has been filed by the parent(s) of the child in conjunction with a petition for adoption initiated by the person or persons proposing to adopt the child, or where the consent to termination has been filed by a licensed adoption agency, no subsequent hearing on the merits of the petition shall be held. Consents required by this act must be witnessed by a district judge or magistrate of a district court of the state, whether within or without the county, and shall be substantially in the following form:

IN THE DISTRICT COURT OF THE .... JUDICIAL DISTRICT OF THE STATE OF

IDAHO, IN AND FOR THE COUNTY OF ....
In the Matter of the termination)
of the parental rights of)
.....)
.....)

I (we), the undersigned, being the .... of ...., do hereby give my (our) full and free consent to the complete and absolute termination of my (our) parental right(s), to the said ...., who was born ...., 19.., unto ...., hereby relinquishing completely and forever, all legal rights, privileges, duties and obligations, including all rights of inheritance to and from the said ...., and I (we) do hereby expressly waive my (our) right(s) to hearing on the petition to terminate my (our) parental relationship with the said ...., and respectfully request the petition be granted.

DATED: ...., 19...

STATE OF IDAHO)
) ss. .....
COUNTY OF ....)

On this .... day of ...., 19.., before me, the undersigned ...., ... (Judge or magistrate) of the District court of the .... Judicial District of the state of Idaho, in and for the county of ...., personally appeared ...., known to me (or proved to me on the oath of ....) to be the person(s) whose name(s) is (are) subscribed to the within instrument, and acknowledged to me that he (she, they) executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

..... (District Judge or Magistrate)

(g) Unless a consent to termination signed by the parent(s) of the child has been filed by an adoption agency licensed in the state of Idaho, or unless the consent to termination was filed in conjunction with a petition for adoption of the child, the court shall hold a hearing.

SECTION 2. That Section 16-2007, Idaho Code, be, and the same is hereby amended to read as follows:

16-2007. NOTICE -- WAIVER -- GUARDIAN AD LITEM. After a petition has been filed, the court shall set the time and place for hearing, and shall cause notice thereof to be given to the petitioner, the parents of the child, whether said child be legitimate or illegitimate if the names and addresses of said illegitimate parents are set forth in the petition, the guardian of the person of the child, the person having legal custody of the child, any individual standing in loco parentis to the child, and the guardian ad litem of any party, or if service cannot be had on the parent or guardian, then upon the nearest blood relative named in the petition. The division of welfare of the Idaho department of health and welfare shall be given notice of the hearing if the petition for termination was not filed in conjunction with a petition for adoption or by an adoption agency licensed by the state of Idaho. Notice shall be given by personal service on the par-

ents or guardian. Where reasonable efforts to effect personal service have been unsuccessful, the court shall order service by registered or certified mail to the last known address of the person to be notified and by publication once a week for three (3) successive weeks in a newspaper of general circulation within the county where the court is located. The hearing shall take place no sooner than ten (10) days after service of notice, or where service is by registered or certified mail and publication, the hearing shall take place no sooner than ten (10) days after the date of last publication. Notice and appearance may be waived by a parent in writing before the court or in the presence of, and witnessed by, a clerk of court or a representative of an authorized agency, provided that such parent has been apprised by the court or by such person of the meaning and consequences of the termination action. Where the parent resides outside the state, the waiver shall be acknowledged before a notary of the state and shall contain the current address of the parent. The parent who has executed such a waiver shall not be required to appear. Where the parent is a minor, the waiver shall be effective only upon approval by the court. When the termination of the parent and child relationship is sought under section 16-2005(d), Idaho Code, the court shall appoint a guardian ad litem for the alleged incompetent parent. The court may in any other case appoint a guardian ad litem, as may be deemed necessary or desirable, for any party.

SECTION 3. That Section 16-2008, Idaho Code, be, and the same is hereby amended to read as follows:

16-2008. INVESTIGATION PRIOR TO DISPOSITION. If a petition for adoption is not filed in conjunction with a petition for termination, or the petition for termination was not filed by an adoption agency licensed by the state of Idaho upon the filing of a petition for termination, the court shall direct the department of health and welfare, division of welfare, to submit a written financial analysis report within thirty (30) days from date of notification, detailing the amount of any unreimbursed public assistance moneys paid by the state of Idaho on behalf of the child. The financial analysis shall include recommendations regarding repayment of unreimbursed public assistance and provisions for future support for the child, and the reasons therefor. upon the filing of a petition, the court may direct, in all cases where written consent to termination has not been given as provided in this act, that an investigation be made by an authorized agency and that a report in writing of such study be submitted to the court prior to the hearing, except that where an authorized agency is a petitioner, either in its own right or on behalf of a parent, a report in writing of the investigation made by such agency shall accompany the petition. The authorized agency shall have thirty (30) days from notification by the court during which it shall complete and submit its investigation unless an extension of time is granted by the court upon application by the agency. The court may order additional investigation as it deems necessary. The social study shall include the circumstances of the petition, the investigation, the present condition of the child and parents, proposed plans for the child, and

such other facts as may be pertinent to the parent and child relationship, and the report submitted shall include a recommendation and the reasons therefor as to whether or not the parent and child relationship should be terminated. Where the parent is a minor, if the report does not include a statement of contact with the parents of said minor, the reasons therefor shall be set forth. The purpose of the investigation is to aid the court in making disposition of the petition and shall be considered by the court prior thereto.

SECTION 4. That Section 16-2009, Idaho Code, be, and the same is hereby amended to read as follows:

16-2009. HEARING. Cases under this act shall be heard by the court without a jury. The hearing may be conducted in an informal manner and may be adjourned from time to time. Stenographic notes or mechanical recording of the hearing shall be required. The general public shall be excluded and only such persons admitted whose presence is requested by any person entitled to notice under section 16-2007, Idaho Code, or as the judge shall find to have a direct interest in the case or in the work of the court; provided that persons so admitted shall not disclose any information secured at the hearing which would identify an individual child or parent. The court may require the presence of witnesses deemed necessary to the disposition of the petition, except that a parent who has executed a waiver pursuant to section 16-2007, Idaho Code, shall not be required to appear at the hearing.

The parent or guardian ad litem shall be notified as soon as practicable after the filing of a petition and prior to the start of a hearing of his right to have counsel, and if counsel is requested and the parent or guardian is financially unable to employ counsel, counsel shall be provided. The prosecuting attorneys of the several counties shall represent the department at all stages of the hearing.

The court's finding with respect to grounds for termination shall be based upon clear and convincing evidence under rules applicable to the trial of civil causes, provided that relevant and material information of any nature, including that contained in reports, studies or examinations, may be admitted and relied upon to the extent of its probative value. When information contained in a report, study or examination is admitted in evidence, the person making such report, study or examination shall be subject to both direct and cross-examination. Where the termination is sought under section 16-2005(d), Idaho Code, evidence of the alleged condition shall be no less than that required to support a commitment to an institution for the mentally ill or mentally deficient under section 66-329, Idaho Code.

SECTION 5. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved March 31, 1987.

CHAPTER 208
(H.B. No. 244)

AN ACT

RELATING TO ACCIDENTS INVOLVING MOTOR VEHICLES; AMENDING CHAPTER 80, TITLE 18, BY THE ADDITION OF A NEW SECTION 18-8007, IDAHO CODE, TO ESTABLISH FELONY PENALTIES FOR LEAVING THE SCENE OF A VEHICULAR ACCIDENT INVOLVING INJURY OR DEATH OF A PERSON; REPEALING SECTION 49-1001, IDAHO CODE; AMENDING SECTION 49-1002, IDAHO CODE, TO PROVIDE CLARIFICATION REGARDING DUTIES RELATING TO VEHICLE ACCIDENTS; AND AMENDING SECTION 49-1003, IDAHO CODE, TO DELETE REFERENCES TO ACCIDENTS INVOLVING DEATH OR INJURY TO A PERSON.

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

SECTION 1. That Chapter 80, 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 18-8007, Idaho Code, and to read as follows:

18-8007. LEAVING SCENE OF ACCIDENT RESULTING IN INJURY OR DEATH. (1) The driver of any vehicle that has been involved in an accident, either upon public or private property open to the public, who knows or has reason to know that said accident has resulted in injury to or death of any person shall:

(a) Immediately stop the vehicle at the scene of the accident or as close thereto as possible. Every stop required under this section shall be made without obstructing traffic more than is necessary.

(b) Remain at the scene of the accident until the driver has fulfilled all the requirements under this section.

(c) Give his name, address, the name of his insurance agent or company if he has automobile liability insurance, and the motor vehicle registration number of the vehicle he is driving to the person struck, or to the driver or occupant of or person attending any vehicle collided with.

(d) If available, exhibit his operator's or chauffeur's license to the person struck, or to the driver or occupant of or person attending any vehicle collided with.

(e) Render to any person injured in the accident reasonable assistance, including the conveying or the making of arrangements for the conveying of such person to a physician, surgeon, hospital or other medical facility, for medical or surgical treatment, if it is apparent that such treatment is necessary or if such conveying is requested by the injured person.

(2) A violation of any provision of this section shall constitute a felony and be punished by a fine of not more than five thousand dollars ($5,000) or by imprisonment in the state penitentiary for a

period of not more than five (5) years, or by both such fine and imprisonment.

(3) The director of the department of law enforcement shall revoke for a period of one (1) year the license or permit to drive, or the nonresident operating privilege, of any person convicted or found guilty of violating any provision of this section. Such revocation shall preclude any type of work permit or other form of limited driving privileges.

SECTION 2. That Section 49-1001, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 49-1002, Idaho Code, be, and the same is hereby amended to read as follows:

49-1002. ACCIDENTS INVOLVING DAMAGE TO VEHICLE. (a) The driver of any vehicle involved in an accident, either on public or private property open to the public, resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop ~~such~~ the vehicle at the scene of ~~such~~ the accident, or as close thereto as possible ~~but~~, and shall ~~forthwith~~ immediately return to, and in every event shall remain at the scene of ~~such~~ the accident until he has fulfilled the requirements of section 49-1003, Idaho Code. ~~Every such~~ A stop as required by this section shall be made without obstructing traffic more than is necessary.

(b) Any person failing to stop or comply with ~~said~~ the requirements of law under ~~such~~ these circumstances shall be guilty of a misdemeanor.

(c) The department shall revoke for a period of one (1) year the license or permit to drive, or the nonresident operating privilege, of any person convicted of a violation of the provisions of this section.

SECTION 4. That Section 49-1003, Idaho Code, be, and the same is hereby amended to read as follows:

49-1003. DUTY TO GIVE INFORMATION AND RENDER AID. The driver of any vehicle involved in an accident, either on public or private property open to the public, resulting in ~~injury to or death of any person or~~ damage to any vehicle which is driven or attended by any person shall give his ~~name, address~~, the name of his insurance agent or company if he has automobile liability insurance, and the motor vehicle registration number of the vehicle he is driving, and shall ~~upon request and~~, if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with ~~and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.~~

Approved March 31, 1987.

CHAPTER 209
(H.B. No. 247)

AN ACT

RELATING TO MOTOR FUELS TAX; AMENDING SECTION 63-2407, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR DISTRIBUTORS' REPORTS.

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

SECTION 1. That Section 63-2407, Idaho Code, be, and the same is hereby amended to read as follows:

63-2407. DEDUCTIONS AUTHORIZED. Each licensed distributor shall deduct from his monthly report:

(1) Gasoline and/or aircraft engine fuel exported from this state other than in the supply tanks of motor vehicles, motor boats or aircraft when supported by a shipping document issued by a common carrier, an invoice signed by the purchaser, or other proper documents approved by the commission.

(2) Gasoline and/or aircraft engine fuel returned to a licensed distributor's refinery or pipeline terminal storage when supported by proper documents approved by the commission.

(3) Gasoline and/or aircraft engine fuel lost or destroyed by fire, lightning, flood, tornado, windstorm, explosion, or other accidental casualty, after presenting to the commission satisfactory proof of loss.

(4) The number of gallons which would be equal to one per cent (1%) of the total number of gallons received during the reporting period, less the total number of gallons deducted under subsections (1) through (3) of this section, which credit is granted to the licensed distributor to reimburse him for the expense incurred on behalf of the state of Idaho in collecting and remitting gasoline and/or aircraft engine fuel tax moneys, maintaining necessary records for the state, preparing necessary reports and remittances in compliance with this chapter, and for loss from evaporation, handling, spillage and shrinkage, except losses caused by casualty as provided in subsection (3) of this section. The licensed distributor may, in addition to the above, deduct the number of gallons equal to one per cent (1%) of the total number of gallons received during the preceding calendar month, less the total number of gallons deducted under subsections (1) through (3) of this section, to cover shrinkage, evaporation, spillage and handling losses of a retail dealer. The latter deductions are to be allowed only upon filing with the commission satisfactory evidence as may be prescribed by it indicating the credit allowance has been made in favor of the retail dealer or paid to him. The evidence shall be submitted together with the report wherein this portion of the deduction is claimed. A licensed distributor who sells and delivers gasoline directly to the consumer and not for resale shall, with respect to those sales, be deemed a retail dealer for the purposes of this section. Credit granted by the provisions of this section shall not be allowed unless the tax is duly and punctually paid and reported

as provided in this chapter or as determined by the commission.

(5) When aircraft engine fuel is sold for use in aircraft and the tax imposed by section 63-2408, Idaho Code, is paid to the commission, the total number of gallons sold shall be deducted from the total gallons of gasoline and/or aircraft engine fuel received.

(6) Gasoline and/or aircraft engine fuel sold to the Idaho national guard for use in aircraft and in vehicles used off public highways provided, however, such deduction is supported by an exemption certificate signed by an authorized officer of the Idaho national guard.

Approved March 31, 1987.

CHAPTER 210
(H.B. No. 252, As Amended)

AN ACT

RELATING TO OPTOMETRY; AMENDING SECTION 54-1501, IDAHO CODE, TO ALLOW THE USE OF THERAPEUTIC PHARMACEUTICAL OPHTHALMIC AGENTS BY OPTOMETRISTS UNDER CERTAIN CONDITIONS.

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

SECTION 1. That Section 54-1501, Idaho Code, be, and the same is hereby amended to read as follows:

54-1501. PRACTICE OF OPTOMETRY DEFINED. Optometry is defined as the science which relates to the examination of the eyes, the analysis of their function and the employment of preventive or corrective measures to insure maximum vision and comfort. The practice of optometry is declared to be a learned profession. The practice of optometry affects the public health, welfare and safety and the public interest requires regulation and control of the practice of optometry and limitation of the practice to qualified persons. Any person, not expressly exempted from the provisions of this chapter, shall be deemed to be practicing optometry within the meaning of this chapter who shall:

1. Engage in the profession of examining, testing, measuring, treating, correcting, developing, or improving the human visual apparatus;

2. Display any sign, circular, advertisement, or device purporting or offering in any manner to examine eyes, test eyes, fit glasses, adjust frames or prescribe lenses, or by any means or method set himself forth as an optometrist, doctor of optometry, optical doctor, doctor of optical science, O.D., Opt. D., optician, optical specialist, eye specialist, or refractionist, or any other designation of like import, with intent to induce people to patronize himself or any other persons for examination, diagnosis, development, or correction of the human visual apparatus;

3. Employ in the examination, diagnosis, or treatment of another, any means, including the use of topically applied diagnostic pharmaceutical agents, but excluding pharmaceutical agents for therapeutic use, for the measurement, improvement, or development of any or all functions of human vision or the assistance of the powers of range of human vision or the determination of the accommodative or refractive status of human vision or the scope of its functions in general. Provided however, notwithstanding the provisions of this subsection, the state board of optometry may, pursuant to regulations adopted by it, issue a certificate to optometrists licensed in this state authorizing the optometrist to prescribe, administer and dispense such topically applied therapeutic pharmaceutical ophthalmic agents as jointly agreed upon by the board of optometry and either the board of medicine or the board of pharmacy and as identified in rules and regulations adopted by the board of optometry. Such certificate shall only be issued to an optometrist who: (1) has successfully passed the "treatment and management of ocular disease" section of the optometrist examination approved by the international association of boards of examination in optometry, inc. or ocular therapy for optometric practitioners, No. 750B, final exam; (2) is the holder of a certificate for the use of diagnostic pharmaceutical agents issued by the state board of optometry; and (3) has completed such appropriate additional educational and clinical experience requirements as shall be established by the state board of optometry pursuant to section 54-1509, Idaho Code. Nothing contained herein shall be construed to authorize the use of beta-blockers except in consultation with a physician licensed pursuant to chapter 18, title 54, Idaho Code;

4. Sell or offer for sale, otherwise than on prescription, any lens with spherical, prismatic or cylindrical power for the aid of human vision;

5. Prescribe or adapt lenses, including contact lenses, exercises, orthoptics, vision therapy, or other physical means to correct defects or adjust human vision to the conditions of a special occupation; or

6. Do or offer to do any of the foregoing with intent of receiving therefor, either directly or indirectly, any fee, gift, remuneration, or compensation whatsoever.

Approved March 31, 1987.

CHAPTER 211
(H.B. No. 260, As Amended)

AN ACT

RELATING TO IMPORTED WILDLIFE, FISH OR BIRDS; AMENDING SECTION 25-210, IDAHO CODE, TO PROVIDE FOR TESTING OF CERTAIN GAME ANIMALS IMPORTED BY THE DEPARTMENT OF FISH AND GAME FOR THE PRESENCE OF CERTAIN COMMUNICABLE DISEASES THAT CAN BE TRANSMITTED TO DOMESTIC LIVESTOCK AND TO PROVIDE FOR AN AGREEMENT; AND AMENDING SECTION

36-106, IDAHO CODE, TO PROVIDE FOR TESTING OF CERTAIN GAME ANIMALS IMPORTED BY THE DEPARTMENT OF FISH AND GAME FOR THE PRESENCE OF CERTAIN COMMUNICABLE DISEASES THAT CAN BE TRANSMITTED TO DOMESTIC LIVESTOCK AND TO PROVIDE FOR AN AGREEMENT.

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

SECTION 1. That Section 25-210, Idaho Code, be, and the same is hereby amended to read as follows:

25-210. POWERS OF VETERINARIANS AND INSPECTORS. In order to prevent the introduction or dissemination of disease among the animals of this state, the division shall be authorized and directed to quarantine any portion of this state and it shall be unlawful to move animals from or into such quarantined area except in accordance with the rules and regulations of the division; and state veterinarians, livestock inspectors and the inspectors or agents of the bureau of animal industry of the United States department of agriculture under the joint supervision of the state division and chief of the United States bureau of animal industry shall be authorized and empowered to inspect, quarantine, treat, and condemn, appraise, slaughter and dispose of any animals affected or infected with any contagious, infectious or communicable disease, or infected with the disease of epithelioma of the eye, commonly known as "cancer eye," or that have been exposed to any such disease, and quarantine, clean and disinfect all premises where such animals have been kept, and for this purpose the said inspectors, or agents, state and federal, are hereby authorized and empowered to enter any field, feed yard, barn, stable, railroad car, stock yards, truck, airplane, or other premises in this state where animals are kept. Said inspectors or agents, state and federal, shall be empowered to call on sheriffs, constables and peace officers to assist them in the discharge of their duties and in carrying out the provisions of this chapter and of said Acts of Congress approved May 29, 1884, and the Act of March 3, 1905. Such sheriffs, constables, and other peace officers shall give such assistance as may be requested by said inspectors in carrying out the provisions of this chapter and said Acts of Congress. The word animal or animals used in this section shall be construed to include poultry and the word disease shall be construed to include diseases of poultry. Any deer, elk, moose, bighorn sheep or bison imported or transported by the department of fish and game shall be tested for the presence of certain communicable diseases that can be transmitted to domestic livestock. Those communicable diseases to be tested for shall be arrived at by mutual agreement between the department of fish and game and the department of agriculture.

SECTION 2. That Section 36-106, Idaho Code, be, and the same is hereby amended to read as follows:

36-106. DIRECTOR OF DEPARTMENT OF FISH AND GAME. (a) Office of Director Created. The commission shall appoint a director of the department of fish and game, hereinafter referred to as the director,

who shall be a person with knowledge of, and experience in, the requirements for the protection, conservation, restoration, and management of the wildlife resources of the state. The director shall not hold any other public office, nor any office in any political party organization, and shall devote his entire time to the service of the state in the discharge of his official duties, under the direction of the commission.

(b) Secretary to Commission. The director shall serve as secretary to the commission.

(c) Compensation and Expenses. The director shall receive such compensation as the commission, with the concurrence and approval of the governor, may determine and shall be reimbursed at the rate provided by law for state employees for all actual and necessary traveling and other expenses incurred by him in the discharge of his official duties.

(d) Oath and Bond. Before entering upon the duties of his office, the director shall take and subscribe to the official oath of office, as provided by section 59-401, Idaho Code, and shall, in addition thereto, swear and affirm that he holds no other public office, nor any position under any political committee or party. Such oath, or affirmation, shall be signed in the office of the secretary of state.

The director shall be bonded to the state of Idaho in the time, form and manner prescribed by chapter 8, title 59, Idaho Code.

(e) Duties and Powers of Director.

1. The director shall have general supervision and control of all activities, functions, and employees of the department of fish and game, under the supervision and direction of the commission, and shall enforce all the provisions of the laws of the state, and rules and regulations of the commission relating to wild animals, birds, and fish and, further, shall perform all the duties prescribed by section 67-2405, Idaho Code, and other laws of the state not inconsistent with this act, and shall exercise all necessary powers incident thereto not specifically conferred on the commission.

2. The director is hereby authorized to appoint as many classified employees as the commission may deem necessary to perform administrative duties, to enforce the laws and to properly implement management, propagation, and protection programs established for carrying out the purposes of the Idaho fish and game code.

3. The appointment of such employees shall be made by the director in accordance with the Idaho personnel commission act and rules promulgated pursuant to chapter 53, title 67, Idaho Code, and they shall be compensated as provided therein. Said employees shall be bonded to the state of Idaho in the time, form, and manner prescribed by chapter 8, title 59, Idaho Code.

4. The director is hereby authorized to establish and maintain fish hatcheries for the purpose of hatching, propagating, and distributing all kinds of fish.

5. (A) The director, or any person appointed by him in writing to do so, may take wildlife of any kind, dead or alive, or import the same, subject to such conditions, restrictions and regulations as he may provide, for the purpose of inspection,

cultivation, propagation, distribution, scientific or other purposes deemed by him to be of interest to the fish and game resource of the state.

(B) The director shall have supervision over all of the matters pertaining to the inspection, cultivation, propagation and distribution of the wildlife propagated under the provisions of title 36, Idaho Code. He shall also have the power and authority to obtain, by purchase or otherwise, wildlife of any kind or variety which he may deem most suitable for distribution in the state and may have the same properly cared for and distributed throughout the state of Idaho as he may deem necessary.

6. (A) The director shall have the power, at any time when it is desired to introduce any new species, or if at any time any species of wildlife of the state of Idaho shall be threatened with excessive shooting, trapping, or angling or otherwise, to close any open season for such time as he may designate; in the event an emergency is declared to exist such closure shall become effective forthwith upon written order of the director; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(B) In order to protect property from damage by wildlife, the fish and game commission may delegate to the director the authority to declare an open season upon that particular species of wildlife to reduce its population. The director shall make an order embodying his findings in respect to when, under what circumstances, in which localities, by what means, and in what amounts, numbers and sex the wildlife subject to the hunt may be taken. In the event an emergency is declared to exist such open season shall become effective forthwith upon written order of the director; in all other cases upon publication and posting as provided in section 36-105, Idaho Code.

(C) Any order issued under authority hereof shall be published in at least one (1) newspaper of general circulation in the area affected by the order for at least once a week for two (2) consecutive weeks, and such order shall be posted in public places in each county as the director may direct.

(D) During the closure of any open season or the opening of any special depredation season by the director all provisions of laws relating to the closed season or the special depredation season on such wildlife shall be in force and whoever violates any of the provisions shall be subject to the penalties prescribed therefore.

7. The director shall make an annual report to the governor, the legislature, and the secretary of state, of the doings and conditions of his office, which report shall be made in accordance with section 67-2509, Idaho Code.

8. The director may sell or cause to be sold publications and materials in accordance with section 59-1012, Idaho Code.

9. Any deer, elk, moose, bighorn sheep or bison imported or transported by the department of fish and game shall be tested for

the presence of certain communicable diseases that can be transmitted to domestic livestock. Those communicable diseases to be tested for shall be arrived at by mutual agreement between the department of fish and game and the department of agriculture.

Approved March 31, 1987.

CHAPTER 212
(H.B. No. 305)

AN ACT

RELATING TO THE LEGAL AGE FOR CONSUMPTION, SALE OR POSSESSION OF ALCOHOLIC BEVERAGES; AMENDING SECTION 18-1502, IDAHO CODE, TO PROVIDE A CORRECT CITATION AND TO PROVIDE FOR THE SUSPENSION OF DRIVING PRIVILEGES FOR PERSONS UNDER TWENTY-ONE YEARS OF AGE FOUND GUILTY OR CONVICTED OF VIOLATING THE LAW PERTAINING TO THE USE, POSSESSION, PROCUREMENT, ATTEMPTED PROCUREMENT OR DISPENSING OF BEER, WINE OR OTHER ALCOHOLIC BEVERAGES; AMENDING SECTION 23-312, IDAHO CODE, TO PROVIDE AN AGE REQUIREMENT OF TWENTY-ONE YEARS TO PURCHASE ALCOHOLIC LIQUOR; AMENDING SECTION 23-603, IDAHO CODE, TO PROVIDE AN AGE REQUIREMENT OF TWENTY-ONE YEARS TO RECEIVE ALCOHOLIC LIQUOR; AMENDING SECTION 23-612, IDAHO CODE, TO PROVIDE AN AGE CHANGE FOR A CERTAIN PENALTY FOR POSSESSING ALCOHOLIC BEVERAGES ON SCHOOL GROUNDS; AMENDING SECTION 23-929, IDAHO CODE, TO RESTRICT SALES OF ALCOHOLIC LIQUOR TO PERSONS TWENTY-ONE YEARS OF AGE OR OLDER, AND TO CORRECT A REFERENCE; AMENDING SECTION 23-943, IDAHO CODE, TO PROVIDE AN AGE REQUIREMENT OF TWENTY-ONE YEARS TO ENTER PLACES LICENSED TO SELL LIQUOR AND TO PROVIDE AN AGE REQUIREMENT OF TWENTY-ONE YEARS TO ENTER PLACES LICENSED TO SELL BEER AND TO ALLOW PERSONS BETWEEN THE AGES OF NINETEEN AND TWENTY-ONE TO CONTINUE SELLING, SERVING OR DISPENSING LIQUOR, BEER OR WINE IN THE COURSE OF THEIR EMPLOYMENT; AMENDING SECTION 23-944, IDAHO CODE, TO RAISE THE EXCEPTION AGE TO TWENTY-ONE YEARS TO ENTER CERTAIN ESTABLISHMENTS AND TO CORRECT A REFERENCE; AMENDING SECTION 23-945, IDAHO CODE, TO PROVIDE THAT SIGNS SHALL BE POSTED TO GIVE NOTICE OF PROPER AGE REQUIREMENTS FOR PERSONS ENTERING PLACES WHERE ALCOHOLIC BEVERAGES ARE DISPENSED; AMENDING SECTION 23-949, IDAHO CODE, TO PROHIBIT PERSONS UNDER TWENTY-ONE YEARS OF AGE FROM PURCHASING, POSSESSING OR CONSUMING ALCOHOLIC LIQUOR AND TO ALLOW PERSONS BETWEEN THE AGES OF NINETEEN AND TWENTY-ONE TO CONTINUE SELLING, SERVING OR DISPENSING LIQUOR, BEER OR WINE IN THE COURSE OF THEIR EMPLOYMENT; AMENDING SECTION 23-1013, IDAHO CODE, TO PROHIBIT THE DISPENSING OF BEER TO AND BY ANYONE UNDER TWENTY-ONE YEARS OF AGE AND TO ALLOW PERSONS NINETEEN YEARS OF AGE AND OLDER TO CONTINUE SELLING, SERVING OR DISPENSING BEER IN THE COURSE OF THEIR EMPLOYMENT, AND TO CORRECT A REFERENCE; AMENDING SECTION 23-1023, IDAHO CODE, TO PROVIDE AN AGE OF TWENTY-ONE YEARS FOR PROCURING OR SELLING BEER TO A PERSON; AMENDING SECTION 23-1024, IDAHO CODE, TO PROVIDE THAT FALSE REPRESENTATION OF BEING

TWENTY-ONE YEARS OF AGE IS A MISDEMEANOR; AMENDING SECTION 23-1025, IDAHO CODE, TO PROVIDE AN AGE REQUIREMENT OF TWENTY-ONE YEARS TO PROCURE BEER; AND AMENDING SECTION 23-1334, IDAHO CODE, TO PROVIDE AN AGE REQUIREMENT OF TWENTY-ONE TO PURCHASE, CONSUME OR DISPENSE WINE, TO ALLOW PERSONS NINETEEN YEARS OF AGE AND OLDER TO CONTINUE SELLING, SERVING OR DISPENSING WINE IN THE COURSE OF THEIR EMPLOYMENT, TO PROVIDE A PENALTY, AND AMENDING CHAPTER 6, TITLE 23, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 23-613, IDAHO CODE, TO PROVIDE A GRANDFATHER CLAUSE FOR CONSUMPTION, POSSESSION AND PURCHASE OF ALCOHOLIC BEVERAGES BY NINETEEN AND TWENTY YEAR OLD PERSONS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 18-1502, Idaho Code, be, and the same is hereby amended to read as follows:

18-1502. BEER, WINE OR OTHER ALCOHOL AND TOBACCO AGE VIOLATIONS -- FINES. (a) Whenever a person is in violation, on the basis of age, of any federal, state, or municipal law or ordinance pertaining to the use, possession, procurement, or attempted procurement, or dispensing of any beer, wine or other alcoholic beverage or tobacco product, the violation shall constitute a misdemeanor.

(b) Every person convicted of a misdemeanor under this section shall be punished by a fine of not more than one hundred dollars ($100). The second conviction under this section shall be punished by a fine of not more than two hundred dollars ($200). The third and subsequent convictions under this section shall be punished by a fine of not more than three hundred dollars ($300), or up to thirty (30) days in jail or both.

(c) The ~~department of~~ transportation department shall suspend the operator's license or permit to drive and any nonresident's driving privileges in the state of Idaho for sixty (60) days of any person under ~~nineteen (19)~~ twenty-one (21) years of age who is found guilty or convicted of violating the law pertaining to the use, possession, procurement, attempted procurement or dispensing of any beer, wine or other alcoholic beverage. A conviction under this section shall not be used as a factor or considered in any manner for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer, nor shall such conviction be grounds for nonrenewal of any insurance policy as provided in section 41-2507, Idaho Code.

SECTION 2. That Section 23-312, Idaho Code, be, and the same is hereby amended to read as follows:

23-312. PERSONS UNDER ~~NINETEEN~~ TWENTY-ONE AND INTOXICATED PERSONS --INHIBITED SALES. No officer, agent, or employee of the dispensary shall sell any alcoholic liquor to a person under the age of ~~nineteen (19)~~ twenty-one (21) years or to any person intoxicated or apparently intoxicated.

SECTION 3. That Section 23-603, Idaho Code, be, and the same is hereby amended to read as follows:

23-603. DISPOSAL TO MINOR. Any person who shall sell, give, or furnish, or cause to be sold, given, or furnished, alcoholic or intoxicating liquor to a person under the age of ~~nineteen (19)~~ twenty-one (21) years, except for medicinal purposes, shall be guilty of a misdemeanor. A second or subsequent violation of this section by the same defendant shall constitute a felony.

SECTION 4. That Section 23-612, Idaho Code, be, and the same is hereby amended to read as follows:

23-612. BEER, WINE OR OTHER ALCOHOLIC BEVERAGES ON PUBLIC SCHOOL GROUNDS. Every person who possesses or consumes any beer, wine or other alcoholic beverage while present at any public school function on the property of a school district is guilty of a misdemeanor. Persons under ~~nineteen (19)~~ twenty-one (21) years of age who are found to be in violation of the provisions of this section shall be subject to fines and imprisonment according to the schedule set out in section 18-1502, Idaho Code.

SECTION 5. That Section 23-929, Idaho Code, be, and the same is hereby amended to read as follows:

23-929. RESTRICTION OF SALES BY LICENSEE. No licensee or his or its employed agents, servants or bartenders shall sell, deliver or give away, or cause or permit to be sold, delivered, or given away, any liquor to:

1. Any person under the age of ~~nineteen (19)~~ twenty-one (21) years, proof of which, for every resident of this state, shall be a valid driver's license, military identification card or an identification card issued by the Idaho transportation department ~~of law enforcement~~.
2. Any person actually, apparently or obviously intoxicated.
3. An habitual drunkard.
4. An interdicted person.

Any person under the age of ~~nineteen (19)~~ twenty-one (21) years, or other person, who knowingly represents his or her qualifications for the purpose of obtaining liquor from such licensee shall be equally guilty with such licensee and shall, upon conviction thereof, be guilty of a misdemeanor.

SECTION 6. That Section 23-943, Idaho Code, be, and the same is hereby amended to read as follows:

23-943. PERSONS UNDER SPECIFIED AGES FORBIDDEN TO ENTER, REMAIN IN OR LOITER AT CERTAIN LICENSED PLACES. No person under the age of ~~nineteen (19)~~ twenty-one (21) years shall enter, remain in or loiter in or about any place, as herein defined, licensed for the sale of liquor by the drink at retail, or sale of beer for consumption on the premises; nor shall any licensee of either such place, or any person

in charge thereof, or on duty while employed by the licensee therein, permit or allow any person under the age specified with respect thereto to remain in or loiter in or about such place.

Provided, however, it is lawful for persons who are musicians and singers eighteen (18) years of age or older, to enter and to remain in any place as defined in section 23-942, Idaho Code, but only during and in the course of their employment as musicians and singers. Provided further, that it is lawful for persons who are nineteen (19) years of age or older to sell, serve, possess or dispense liquor, beer or wine in the course of their employment in any place as defined in section 23-942, Idaho Code, or in any other place where liquor, beer or wine are lawfully present, so long as such place is the place of employment for such person under twenty-one (21) years of age. However the foregoing shall not permit the sale or distribution of any alcoholic beverages to any person under the ages specified for sale of alcoholic beverages.

SECTION 7. That Section 23-944, Idaho Code, be, and the same is hereby amended to read as follows:

23-944. EXCEPTIONS FROM RESTRICTION ON ENTERING OR REMAINING. It shall not be unlawful for, nor shall section ~~23-942~~ 23-943, Idaho Code, be construed to restrict, any person under the age of ~~nineteen (19)~~ twenty-one (21) years from entering or being:

(a) upon the premises of any restaurant, as herein defined, or in any railroad observation or club car or any airplane of a commercial airline, notwithstanding that such premises may also be licensed for the sale of liquor by the drink or for the sale of beer for consumption on the premises or that alcoholic beverages, or beer, or both, are prepared, mixed or dispensed and served and consumed therein.

(b) in any building, a part or portions of which is used as a place, as herein defined, provided such place is separated or partitioned from the remainder of said building and access to such place through a doorway or doorways or other means of ingress can be controlled to prevent persons under the ages specified with respect thereto in section ~~23-942~~ 23-943, Idaho Code, from entering therein.

(c) in any baseball park, sports arena or fairgrounds, notwithstanding that such premises or any portion thereof may be licensed for the sale of beer for consumption on the premises or that beer is dispensed and served and consumed therein.

SECTION 8. That Section 23-945, Idaho Code, be, and the same is hereby amended to read as follows:

23-945. POSTING SIGNS AS TO RESTRICTION. Every licensee herein referred to shall keep a sign conspicuously posted over or near each entrance to any place from which persons under ~~nineteen (19)~~ twenty-one (21) years are herein restricted giving public notice of such fact. The wording and size of such signs shall be in accordance with such regulations as the director may prescribe.

SECTION 9. That Section 23-949, Idaho Code, be, and the same is

hereby amended to read as follows:

23-949. PERSONS NOT ALLOWED TO PURCHASE, POSSESS, SERVE, DISPENSE, OR CONSUME BEER, WINE OR OTHER ALCOHOLIC LIQUOR. Any person under the age of ~~nineteen (19)~~ twenty-one (21) years who shall purchase, attempt to purchase, possess, serve, dispense, or consume beer, wine or other alcoholic liquor shall be guilty of a misdemeanor punishable according to the schedule set out in section 18-1502, Idaho Code; provided, however, that any person who is nineteen (19) years of age or older may sell, serve, possess and dispense liquor, beer or wine in the course of his employment in any place as defined in section 23-942, Idaho Code, or other place where liquor, beer or wine are lawfully present so long as such place is the place of employment for such person under twenty-one (21) years of age.

SECTION 10. That Section 23-1013, Idaho Code, be, and the same is hereby amended to read as follows:

23-1013. RESTRICTIONS CONCERNING AGE. Any person who is nineteen (19) years of age or older may sell, serve, possess or dispense beer in the course of his employment, otherwise ~~It~~ it shall be unlawful for any person to sell, serve or dispense beer to or by any person under ~~nineteen (19)~~ twenty-one (21) years of age, proof of which, for every resident of this state, shall be a valid driver's license, military identification card or an identification card issued by the Idaho transportation department ~~of law enforcement~~.

SECTION 11. That Section 23-1023, Idaho Code, be, and the same is hereby amended to read as follows:

23-1023. BEER -- PROCURING FOR OR SELLING TO PERSON UNDER ~~NINETEEN~~ TWENTY-ONE YEARS OF AGE A MISDEMEANOR. Any person who shall procure beer for any person under ~~nineteen (19)~~ twenty-one (21) years of age or any person under ~~nineteen (19)~~ twenty-one (21) years of age who shall purchase, attempt to purchase or otherwise procure, consume or possess beer, shall be guilty of a misdemeanor. This section does not apply to possession by a person under the age of ~~nineteen (19)~~ twenty-one (21) years making a delivery of beer in pursuance of the order of his parent or in pursuance of his employment, or when such person under the age of ~~nineteen (19)~~ twenty-one (21) years is in a private residence accompanied by his parent or guardian and with such parent's or guardian's consent.

SECTION 12. That Section 23-1024, Idaho Code, be, and the same is hereby amended to read as follows:

23-1024. FALSE REPRESENTATION AS BEING ~~NINETEEN~~ TWENTY-ONE OR MORE YEARS OF AGE A MISDEMEANOR. Any person under the age of ~~nineteen (19)~~ twenty-one (21) years who shall by any means represent to any person licensed to sell beer at retail, or to any agent or employee of such retail licensee, that he or she is ~~nineteen (19)~~ twenty-one (21) or more years of age for the purpose of inducing such retail licensee,

his agent or employee, to sell, serve or dispense beer to him or her shall be guilty of a misdemeanor.

Any person who shall by any means represent to any such retail licensee, his agent or employee, that any other person is ~~nineteen (19)~~ twenty-one (21) or more years of age, when in fact such other person is under the age of ~~nineteen (19)~~ twenty-one (21) years, for the purpose of inducing such retail licensee, his agent or employee, to sell, serve or dispense beer to such other person, shall be guilty of a misdemeanor.

SECTION 13. That Section 23-1025, Idaho Code, be, and the same is hereby amended to read as follows:

23-1025. CERTIFICATE AS TO AGE -- EXECUTION IN CASES OF DOUBT -- FORM. Whenever any person licensed to sell beer, his agent or employee, shall have reasonable cause to doubt that any person who attempts to purchase or otherwise procure beer from or through such retail licensee, his agent or employee, is ~~nineteen (19)~~ twenty-one (21) or more years of age, such retail licensee, his agent or employee, shall require such person to execute a certificate that he or she is ~~nineteen (19)~~ twenty-one (21) or more years of age, and to exhibit acceptable proof of age and identity. The form of such certificate, the manner in which it shall be executed, the record to be kept thereof, the responsibility of the retail licensee, his agent or employee, with respect to the execution of said certificate, and a determination of what shall constitute acceptable proof of age and identity, shall be in accordance with such regulations as the director shall prescribe relating thereto.

SECTION 14. That Section 23-1334, Idaho Code, be, and the same is hereby amended to read as follows:

23-1334. MINORS -- PURCHASE, CONSUMPTION, POSSESSION, SALE OR SERVICE BY PROHIBITED -- SALE, GIFT, OR DELIVERY TO PROHIBITED -- MISREPRESENTATION OF AGE PROHIBITED -- PENALTY. (a) No person under the age of ~~nineteen (19)~~ twenty-one (21) years may sell, serve, dispense, purchase, consume or possess wine provided that any person who is nineteen (19) years of age or older may sell, serve, possess or dispense wine in the course of his employment.

(b) No person shall give, sell, or deliver wine to any person under the age of ~~nineteen (19)~~ twenty-one (21) years.

(c) ~~No~~ Any person under the age of ~~nineteen (19)~~ twenty-one (21) years who shall by any means represent to any retailer or distributor or to any agent or employee of such retailer or distributor that he or she is ~~nineteen (19)~~ twenty-one (21) years or more of age for the purpose of inducing such retailer or distributor, or his agent or employee, to sell, serve or dispense wine to such person shall be guilty of a misdemeanor.

(d) ~~No~~ Any person who shall, by any means, represent to any retailer or distributor or the agent or employee of such retailer or distributor, that any other person is ~~nineteen (19)~~ twenty-one (21) years or more of age, when in fact such other person is under the age

of ~~nineteen (19)~~ twenty-one (21) years, for the purpose of inducing such retailer or distributor, or the agent or employee of such retailer or distributor, to sell, serve, or dispense wine to such other person shall be guilty of a misdemeanor.

SECTION 15. That Chapter 6, Title 23, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 23-613, Idaho Code, and to read as follows:

23-613. GRANDFATHER CLAUSE. The provisions of Sections 18-1502, 23-312, 23-603, 23-612, 23-929, 23-943, 23-944, 23-945, 23-949, 23-1013, 23-1023, 23-1024, 23-1025 and 23-1334, Idaho Code, relating to the legal age for consumption, sale or possession of alcoholic beverages shall apply only to those persons who on the day preceding the effective date of this act are less than nineteen (19) years of age.

SECTION 16. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect ten calendar days following its passage and approval.

Approved March 31, 1987.

CHAPTER 213
(H.B. No. 90, As Amended in the Senate)

AN ACT

RELATING TO SOLID WASTE DISPOSAL; AMENDING SECTION 31-4401, IDAHO CODE, TO STRIKE A DEFINITION; AMENDING CHAPTER 44, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4401A, IDAHO CODE, TO PROVIDE DEFINITIONS; AND AMENDING CHAPTER 44, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-4407A, IDAHO CODE, TO PROVIDE A PROCEDURE FOR PROTECTION AGAINST UNNECESSARY WASTE SHOULD A COUNTY CHOOSE TO UNDERTAKE A CAPITAL INTENSIVE SOLID WASTE PROJECT.

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

SECTION 1. That Section 31-4401, Idaho Code, be, and the same is hereby amended to read as follows:

31-4401. PURPOSE AND POLICY OF LAW. It is hereby declared to be the public policy of the state of Idaho that solid waste disposal systems be established, maintained and operated in each of the several counties of the state for the purpose of reducing the threat to health posed by uncollected garbage, refuse and scrap; for the purpose of maintaining the natural and esthetic setting of our land, water and air resources; for the purpose of providing a means for reclamation of otherwise unusable land areas; and for the purposes of such other cul-

tural, social, economic and sanitation reasons as may be necessary from time to time.

~~For the purposes of this chapter, "system" means lands, sites, facilities, equipment and manpower necessary for collection, transportation, storage, treatment, processing, reuse, recycling or other means necessary for the disposal of solid waste.~~

SECTION 2. That Chapter 44, Title 31, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-4401A, Idaho Code, and to read as follows:

31-4401A. DEFINITIONS. In this chapter:

(1) "Major solid waste generator" means any person who generates two per cent (2%) or more of the total solid waste originating in any county.

(2) "Person" means any natural person, firm, corporation, or other entity, but does not include a municipality, a state agency or a state educational institution.

(3) "Significant effect" means any change in the amount of solid waste to be sent to any waste disposal site which exceeds either five per cent (5%) of the total monthly amount of waste disposal at any particular solid waste disposal site during the most recent calendar year, or five per cent (5%) of the projected processing capacity of any new solid waste disposal site.

(4) "State agency" means each state board, commission, department or officer authorized by law to make rules or to determine contested cases.

(5) "State educational institution" means a public educational facility or institution regulated by the state board of education or the board of regents of the university of Idaho.

(6) "System" means lands, sites, facilities, equipment and manpower necessary for collection, transportation, storage, treatment, processing, reuse, recycling or other means necessary for the disposal of solid waste.

(7) "Waste processing facility" means any waste disposal site or any public work at which solid waste is compacted, incinerated, or otherwise treated prior to disposal. It shall not include the placement of portable collection facilities or similar equipment used solely to facilitate collection of solid waste.

SECTION 3. That Chapter 31, Title 44, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 31-4407A, Idaho Code, and to read as follows:

31-4407A. CHANGES IN STATUS OF MAJOR WASTE GENERATORS AND MUNICIPALITIES -- PROCEDURES. (1) Major solid waste generators and municipalities operating solid waste collection or disposal systems pursuant to the authority conferred by law or desiring to initiate or abandon such systems shall conform to the procedures and standards set forth in this section before taking any action which would significantly

affect the amount or distribution of solid waste within any county. The board of county commissioners of any county may waive operation of the procedure called for in this section by passage of a resolution indicating their intent to do so.

(2) Whenever a county shall propose the establishment of a new solid waste processing facility within the boundaries of the county or in conjunction with adjoining counties, it shall give notice to all municipalities within its boundaries that it intends to establish a processing facility. In conjunction with the notice, the county shall provide a copy of a feasibility study prepared by a licensed professional engineer concerning the proposed processing facility which shall address the estimated capital cost of the facility, estimated costs of operation of the facility, and the estimated life span of the facility. The notice shall be provided to potentially affected municipalities at least one hundred eighty (180) days prior to the scheduled initiation of construction of any solid waste processing facility.

(3) Within ninety (90) days of receipt of the notice, each affected municipality shall respond to the notice provided by the county, indicating in its response the intention of the municipality to participate in the use of the proposed facility or to develop or continue operation of an independent solid waste processing facility of its own for the projected duration of the proposed county project.

(4) Pursuant to the responses received from affected municipalities, the county proposing development of the solid waste processing facility may tender contracts to participating municipalities assuring the availability of waste disposal capacity at the proposed facility for any duration promised by contract and securing commitments from the municipalities to participate in use of the facility for the duration of its projected life. The contracts shall not constitute guarantees of costs or duration of serviceability of the proposed facility. The contracts may provide for annual adjustments to reflect changes in the relative contribution rates of municipalities to the waste stream feeding the disposal facility. No capital contribution obligation shall extend beyond fifteen (15) years. Additional contracts for capital participation may be proposed and entered into after the expiration of the initial agreement.

(5) Any municipality which indicates its intent not to participate in a proposed facility shall be barred from later participation without the consent of the board of county commissioners and without payment of a capital contribution adequate to finance the cost of additional capacity adequate to accommodate the waste stream generated within the municipality. The amount and method of payment of the capital contribution shall be established by the board of county commissioners.

(6) Any municipality which elects to participate in a given solid waste processing facility, but later elects to withdraw from said project, may do so, but shall remain obligated for any capital costs incurred in its behalf, but may receive partial credit for operational economies created by its withdrawal. The burden of proof of the extent of operational economies shall rest upon the withdrawing municipality.

(7) Major solid waste generators located outside participating municipalities shall be treated in the same manner as municipalities

concerning commitments to waste facility capacity. Boards of county commissioners are authorized to enter into contracts with major solid waste generators for the expected duration of operation of any solid waste processing facility.

Approved March 31, 1987.

CHAPTER 214
(H.B. No. 163, As Amended in the Senate)

AN ACT

RELATING TO THE HORSE INDUSTRY; AMENDING TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 25, TITLE 25, IDAHO CODE, TO PROVIDE FOR THE IDAHO HORSE BOARD, TO CREATE THE IDAHO HORSE BOARD, TO PROVIDE FOR ITS OFFICERS, MEETINGS AND EXPENSE ALLOWANCES AND A LIMITATION ON OUT-OF-STATE TRAVEL, TO PROVIDE DEFINITIONS, TO PROVIDE FOR POWERS AND DUTIES OF THE BOARD, TO PROVIDE FOR LEVYING AND COLLECTION OF ASSESSMENTS, TO PROVIDE FOR DEPOSIT AND DISBURSEMENT OF FUNDS, TO PROVIDE FOR BONDING OF EMPLOYEES, TO PROVIDE FOR RECORD KEEPING AND AUDITS, TO PROVIDE FOR ASSESSMENT LIENS, AND TO PROVIDE THAT THE ASSESSMENT IS MANDATORY.

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

SECTION 1. That Title 25, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 25, Title 25, Idaho Code, and to read as follows:

CHAPTER 25
IDAHO HORSE BOARD

25-2501. BOARD CREATED. (1) There is hereby created in the department of self-governing agencies the Idaho horse board. The board shall be composed of seven (7) members, each of whom shall be appointed by the governor from a list of nominees recommended by the Idaho horse council. The horse council shall recommend at least four (4) names for each appointment, and the governor shall appoint from the nominees recommended. The membership of the board shall consist at all times of members representing the following interests:

(a) Two (2) members shall at all times be representative of horse racing interests;

(b) One (1) member shall at all times be representative of trail pleasure riding interests and one (1) member shall at all times be representative of general horse interests;

(c) Two (2) members shall at all times be representative of show interests; and

(d) One (1) member shall at all times be representative of breeding interests.

(2) Each member of the board shall be a citizen of the United States and a bona fide resident of this state, and a member of the Idaho horse council. During a term of office, a member must continue to possess all of the qualifications necessary for appointment. Failure to maintain such qualifications shall be cause for removal from office. The governor may remove any board member at will.

(3) On July 1, 1987, the governor shall appoint three (3) members, each for a term of one (1) year; two (2) members, each for a term of two (2) years; and two (2) members each for a term of three (3) years. Thereafter, the term of office shall be three (3) years.

(4) Vacancies in any unexpired term shall be filled by appointment by the governor for the remainder of the unexpired term. The member appointed to fill a vacancy shall represent the same interest as the member whose office has become vacant from a list of four (4) nominees submitted by the Idaho horse council.

25-2502. OFFICERS -- MEETINGS -- EXPENSES. (1) The board shall annually elect a chairman, a vice-chairman and a secretary-treasurer from among its members. The board shall meet regularly once each six (6) months, and at such other times as called by the chairman or when requested by two (2) or more members of the board.

(2) In the performance of official duties, each board member shall be compensated as provided in section 59-509(f), Idaho Code.

(3) No funds raised pursuant to section 25-2505, Idaho Code, shall be used for travel or expenses outside the state of Idaho.

25-2503. DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) The term "board" means the Idaho horse board.

(2) The term "brand board" means the state brand board.

(3) The term "breeding interest" means an interest in horses owned primarily for the purpose of horse reproduction.

(4) The term "general horse interest" means those who actively use horses in a work capacity including, but not limited to, range work, sales yards, feedlots or other related work.

(5) The term "horse" means the equine species.

(6) The term "horse racing interest" means an interest in horses owned primarily for the purpose of racing.

(7) The term "pleasure trail riding interest" means an interest in horses owned primarily for the purpose of pleasure trail riding.

(8) The term "show interest" means an interest in horses owned primarily for the purpose of showing horses at competitive events; i.e., shows, competitive trails or rodeos.

25-2504. POWERS AND DUTIES. The board shall have the following powers and duties:

(1) To conduct scientific research for the benefit of the health of the horse;

(2) To enter into contracts which it deems appropriate in carrying out the promotion of the horse industry of this state;

(3) To sue and be sued as a board, without individual liability of the board members, when the board is acting within the scope of the

powers of the board;

(4) To make grants, donations, or contributions to any agency which will promote the horse industry of this state on a national, state or local level;

(5) To employ subordinate officers and employees of the board, prescribe their duties and fix their compensation;

(6) To accept grants, donations, contributions or gifts, from any source for expenditures for any purpose consistent with the provisions of this chapter;

(7) To prepare each year a proposed budget of the board for the next succeeding fiscal year, and to provide upon request a copy of the proposed budget to any person who pays an assessment under this chapter;

(8) To 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; and

(9) To conduct public relations programs for the horse industry.

25-2505. ASSESSMENTS -- COLLECTION. (1) There is hereby levied and imposed upon all horses an assessment of not more than one dollar ($1.00) per head to be paid by the owner.

(2) The assessment levied and imposed in this section shall be collected on all brand inspections completed on horses in the state of Idaho.

(3) The state brand inspector shall collect the assessment in addition to, at the same time, and in the same manner as the fee charged for state brand inspections. The assessment so collected belongs to and shall be paid to the Idaho horse board, either directly or later by remittance together with a report detailing collection of the assessment. The board shall reimburse the state brand inspector for the reasonable and necessary expenses incurred for such collection, in an amount determined by the board and the inspector.

25-2506. DEPOSIT AND DISBURSEMENT OF FUNDS. Immediately upon receipt, all moneys received by the board shall be deposited in one or more separate accounts in the name of the board in one or more banks or trust companies approved under the provisions of chapter 27, title 67, Idaho Code, as state depositories. The board shall designate such banks or trust companies. All moneys so deposited are hereby appropriated to the Idaho horse board for the purpose of carrying out the provisions of this chapter.

Moneys can be withdrawn or paid out of such accounts only upon checks or other orders upon such accounts signed by two (2) officers designated by the board.

Any assessments or money that may be deposited hereunder with the treasurer of the state of Idaho shall be paid to the board, and the state treasurer shall be reimbursed for the reasonable and necessary expenses incurred.

The right is reserved to the state of Idaho to audit the funds of the board at any time.

Any person shall have the right to request from the board in writing, within ten (10) days after payment thereof, a refund of all or

any portion of the assessment levied hereunder and paid by him.

25-2507. BONDING -- RECORDS -- AUDITS. The person or persons who receive and disburse the moneys of the board shall be bonded by and in an amount to be determined by the board.

Accurate records of all receipts and disbursements shall be kept and audited by the legislative auditor, whose report shall be filed in the board office and made available upon request to any person.

25-2508. ASSESSMENT LIENS. All assessments which become due and owing under the provisions of this chapter constitute a lien upon the horses inspected which shall be prior to all liens except those having a priority under state law.

25-2509. ASSESSMENT IS MANDATORY. The assessment levied by the provisions of this chapter is mandatory and failure or refusal to pay the assessment shall constitute a misdemeanor.

Approved March 31, 1987.

CHAPTER 215
(H.B. No. 278)

AN ACT

RELATING TO ELECTRONIC RECORDING OR DECODING DEVICES; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6719, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6720, IDAHO CODE, TO PROVIDE A GENERAL PROHIBITION ON PEN REGISTERS AND TRAP AND TRACE DEVICES, TO PROVIDE AN EXCEPTION, AND TO PROVIDE A PENALTY; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6721, IDAHO CODE, TO PROVIDE FOR AN APPLICATION FOR A PEN REGISTER OR A TRAP AND TRACE DEVICE; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6722, IDAHO CODE, TO PROVIDE FOR THE ISSUANCE OF A COURT ORDER TO INSTALL A PEN REGISTER OR TRAP AND TRACE DEVICE; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6723, IDAHO CODE, TO PROVIDE FOR ASSISTANCE IN THE INSTALLATION AND USE OF A PEN REGISTER OR A TRAP AND TRACE DEVICE; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6724, IDAHO CODE, TO PROVIDE FOR REPORTS ON USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES; AMENDING CHAPTER 67, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-6725, IDAHO CODE, TO PROVIDE FOR PRIOR INTERCEPTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 67, Title 18, Idaho Code, be, and the

same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 18-6719, Idaho Code, and to read as follows:

18-6719. DEFINITIONS FOR PEN REGISTERS AND TRAP AND TRACE DEVICES. (1) "Attorney general" means the attorney general of the state of Idaho;

(2) "Pen register" means a device which records or decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but such term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business;

(3) "Prosecuting attorney" means the prosecuting attorney of each county of the state of Idaho;

(4) "Trap and trace device" means a device which captures the incoming electronic or other impulses which identify the originating number of an instrument or device from which a wire or electronic communication was transmitted.

SECTION 2. That Chapter 67, 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 18-6720, Idaho Code, and to read as follows:

18-6720. GENERAL PROHIBITION ON PEN REGISTER AND TRAP AND TRACE DEVICE USE -- EXCEPTION. (1) Except as provided in section 18-6720, Idaho Code, no person may install or use a pen register or a trap and trace device without first obtaining a court order under section 18-6722, Idaho Code.

(2) The prohibition of subsection (1) of this section does not apply with respect to the use of a pen register or a trap and trace device by a provider of electronic or wire communication service:

(a) Relating to the operation, maintenance, and testing of a wire or electronic communication service or to the protection of the rights or property of such provider, or to the protection of users of that service from abuse of service or unlawful use of service; or

(b) To record the fact that a wire or electronic communication was initiated or completed in order to protect such provider, another provider furnishing service toward the completion of the wire communication, or a user of that service, from fraudulent, unlawful or abusive use of service; or

(c) Where the consent of the user of that service has been obtained.

(3) Whoever knowingly violates the provisions of subsection (1) of this section shall be guilty of a misdemeanor.

SECTION 3. That Chapter 67, 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 18-6721, Idaho Code, and to read as follows:

18-6721. APPLICATION FOR AN ORDER FOR A PEN REGISTER OR A TRAP AND TRACE DEVICE. (1) The prosecuting attorney or attorney general may make application for an order or an extension of an order under section 18-6722, Idaho Code, authorizing or approving the installation and use of a pen register or a trap and trace device under this chapter, in writing under oath or equivalent affirmation to the district court.

(2) An application under subsection (1) of this section shall include:

(a) The identity of the prosecuting attorney or attorney general making the application and the identity of the law enforcement agency conducting the investigation; and

(b) A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

SECTION 4. That Chapter 67, 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 18-6722, Idaho Code, and to read as follows:

18-6722. ISSUANCE OF AN ORDER FOR A PEN REGISTER OR A TRAP AND TRACE DEVICE. (1) Upon an application made under section 18-6721, Idaho Code, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device within the jurisdiction of the court if the court finds that the prosecuting attorney, the attorney general, or the state law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

(2) An order issued under this section:

(a) Shall specify--

1. The identity, if known, of the person to whom is leased or in whose name is listed the telephone line to which the pen register or trap and trace device is to be attached;

2. The identity, if known, of the person who is the subject of the criminal investigation;

3. The number and, if known, physical location of the telephone line to which the pen register or trap and trace device is to be attached and, in the case of a trap and trace device, the geographic limits of the trap and trace order; and

4. A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates; and

(b) Shall direct, upon the request of the applicant, the furnishing of information, facilities, and technical assistance necessary to accomplish the installation of the pen register or trap and

trace device under section 18-6723, Idaho Code.

(3) An order issued under this section shall authorize the installation and use of a pen register or a trap and trace device for a period not to exceed sixty (60) days. Extensions of such an order may be granted, but only upon an application for an order under section 18-6721, Idaho Code, and upon the judicial finding required by subsection (1) of this section. The period of extension shall be for a period not to exceed sixty (60) days.

(4) An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

(a) The order be sealed until otherwise ordered by the court; and

(b) The person owning or leasing the line to which the pen register or a trap and trace device is attached, or who has been ordered by the court to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

SECTION 5. That Chapter 67, 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 18-6723, Idaho Code, and to read as follows:

18-6723. ASSISTANCE IN INSTALLATION AND USE OF A PEN REGISTER OR A TRAP AND TRACE DEVICE. (1) Upon the request of the prosecuting attorney or attorney general, or an officer of a law enforcement agency authorized to install and use a pen register, a provider of wire or electronic communication service, landlord, custodian, or other person shall furnish the applicant, investigative or law enforcement officer forthwith all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such assistance is directed by a court order as provided in section 18-6722, Idaho Code.

(2) Upon the request of a prosecuting attorney or attorney general, or an officer of a law enforcement agency authorized to receive the results of a trap and trace device, a provider of a wire or electronic communication service, landlord, custodian, or other person shall install such device forthwith on the appropriate line and shall furnish such investigative or law enforcement officer all additional information, facilities and technical assistance including installation and operation of the device unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place, if such installation and assistance is directed by a court order as provided in section 18-6722(2)(b), Idaho Code. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the officer of a law enforcement agency, designated in the court, at reasonable intervals during regular business

hours for the duration of the order.

(3) A provider of a wire or electronic communication service, landlord, custodian, or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for such reasonable expenses incurred in providing such facilities and assistance.

(4) No cause of action shall lie in any court against any provider of a wire or electronic communication service, its officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order under this chapter.

(5) A good faith reliance on a court order, a legislative authorization, or a statutory authorization is a complete defense against any civil or criminal action brought under this chapter or any other law.

SECTION 6. That Chapter 67, 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 18-6724, Idaho Code, and to read as follows:

18-6724. REPORTS CONCERNING PEN REGISTERS AND TRAP AND TRACE DEVICES. The attorney general shall annually report to the legislature on the number of pen register orders and orders for trap and trace devices applied for by law enforcement agencies.

Each law enforcement agency shall report annually to the attorney general the number of pen register orders and orders for trap and trace devices applied for in such manner as the attorney general shall provide.

SECTION 7. That Chapter 67, 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 18-6725, Idaho Code, and to read as follows:

18-6725. RULE FOR PRIOR INTERCEPTIONS. Any pen register or trap and trace device installed prior to the effective date of this act which would be valid and lawful without regard to the amendments made by sections 18-6719 and 18-6724, Idaho Code, shall be valid and lawful.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved March 31, 1987.

CHAPTER 216
(H.B. No. 280)

AN ACT

RELATING TO PRISONERS FOR COUNTY JAILS; AMENDING SECTION 19-4809, IDAHO CODE, TO PROVIDE THAT THE PERSON IN CHARGE OF A JAIL MAY REFUSE TO ACCEPT CERTAIN PRISONERS.

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

SECTION 1. That Section 19-4809, Idaho Code, be, and the same is hereby amended to read as follows:

19-4809. JAILORS TO RECEIVE PRISONERS FROM IDAHO STATE POLICE. Any person having charge of a jail, prison or reformatory or other place of detention shall receive any prisoner arrested by the Idaho state police within the jurisdiction served by such jail and shall detain ~~him~~ that prisoner in custody until otherwise ordered by a court of competent jurisdiction, or by the superintendent~~;-and-such~~. Such person ~~who~~ in charge shall have the right to refuse to ~~so~~ receive any ~~prisoner-or-who,-having-received-him,-shall-release-him-otherwise-than as--above--specified,--shall--be-subject-to-removal-from-office-by-the governor~~ juvenile not being charged with a felony and not in the process of being certified as an adult, in accordance with section 16-1806A, Idaho Code.

Approved March 31, 1987.

CHAPTER 217
(H.B. No. 327)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF FISH AND GAME FOR FISCAL YEAR 1988 AND DESIGNATING PROGRAM LIMITS; EXEMPTING CONSTRUCTION AUTHORIZED IN THIS ACT FROM THE PROVISIONS OF SECTION 67-5711, IDAHO CODE; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO PROGRAM EXPENDITURES; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE PROCEEDS OF ANY SALE OF FISH AND GAME PROPERTIES.

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, 1987 through June 30, 1988:

FOR:

Personnel Costs	$12,910,800
Operating Expenditures	8,341,100

Capital Outlay	3,346,400
TOTAL	$24,598,300
FROM:	
Fish and Game Account	$24,598,300

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. ADMINISTRATION:				
FROM:				
Fish & Game Account	$1,764,200	$ 147,700	$ 650,200	$ 2,562,100
II. ENFORCEMENT:				
FROM:				
Fish & Game Account	$3,001,500	$ 764,400	$ 399,100	$ 4,165,000
III. FISHERIES:				
FROM:				
Fish & Game Account	$4,442,200	$4,463,500	$ 974,300	$ 9,880,000
IV. WILDLIFE:				
FROM:				
Fish & Game Account	$2,551,500	$2,072,100	$ 994,300	$ 5,617,900
V. INFORMATION AND EDUCATION:				
FROM:				
Fish & Game Account	$ 473,800	$ 438,300	$ 81,700	$ 993,800
VI. ENGINEERING:				
FROM:				
Fish & Game Account	$ 480,600	$ 72,900	$ 232,500	$ 786,000
VII. PROGRAM COORDINATION:				
FROM:				
Fish & Game Account	$ 144,900	$ 48,100	$ 500	$ 193,500
VIII. WINTER FEEDING AND DEPREDATION CONTROL:				
FROM:				
Fish & Game Account	$ 52,100	$ 334,100	$ 13,800	$ 400,000
GRAND TOTAL	$12,910,800	$8,341,100	$3,346,400	$24,598,300

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. It is legislative intent that no funds or positions be transferred into the Administration Program from other programs in the Department of Fish and Game.

SECTION 5. It is legislative intent that any proceeds from the sale of property owned by the Department of Fish and Game shall be deposited in the Fish and Game Account free fund balance to reimburse

that account for the construction costs of the Pocatello regional office building.

Approved March 31, 1987.

CHAPTER 218
(H.B. No. 328)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR FISCAL YEAR 1988, 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, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$ 576,100
Operating Expenditures	326,800
Capital Outlay	2,500
Trustee and Benefit Payments	244,000
TOTAL	$1,149,400
FROM:	
General Account	$ 711,200
Comprehensive Employment and Training Account	121,300
Pacific Northwest Regional Commission Account	316,900
TOTAL	$1,149,400

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. GOVERNOR'S OFFICE ADMINISTRATION:					
FROM:					
General Account	$458,800	$198,000			$ 656,800
Comprehensive Employment and Training Account	52,200	69,100			121,300
TOTAL	$511,000	$267,100			$ 778,100
II. GOVERNOR'S RESIDENCE AND EXPENSE:					
FROM:					
General Account	$ 12,700	$ 16,200	$2,500		$ 31,400
III. FEDERAL PROGRAM ADMINISTRATION:					
FROM:					

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
General Account	$ 16,600	$ 6,400			$ 23,000
Pacific Northwest Regional Commission Account	35,800	37,100		$244,000	316,900
TOTAL	$ 52,400	$ 43,500		$244,000	$ 339,900
GRAND TOTAL	$576,100	$326,800	$2,500	$244,000	$1,149,400

Approved March 31, 1987.

CHAPTER 219
(H.B. No. 329)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE DIVISION OF FINANCIAL MANAGEMENT FOR FISCAL YEAR 1988.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Division of Financial Management the following amounts to be expended according to the designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Account	$767,000	$156,700			$923,700
Indirect Cost Recovery Account		7,300		$13,000	20,300
Interagency Billing and Receipts Account	27,400	19,900	$3,600		50,900
TOTAL	$794,400	$183,900	$3,600	$13,000	$994,900

Approved March 31, 1987.

CHAPTER 220
(S.B. No. 1030)

AN ACT

RELATING TO THE REFUSAL BY A DRIVER TO SUBMIT TO A TEST FOR BLOOD ALCOHOL; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 18-8002, IDAHO CODE, TO PROVIDE THAT SUSPENSION OF A DRIVER'S LICENSE FOR REFUSAL TO TAKE A TEST FOR BLOOD ALCOHOL CONCENTRATION SHALL BE A CIVIL PENALTY AND SHALL BE SEPARATE AND APART FROM ANY OTHER SUSPENSION IMPOSED FOR A VIOLATION OF OTHER IDAHO MOTOR VEHICLE CODES OR FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS; AND DECLARING AN EMERGENCY.

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

SECTION 1. It is the intent of the Legislature that any suspension of a driver's license under the provisions of section 18-8002, Idaho Code, be separate and apart from any other suspension of a driver's license imposed by a conviction under the provisions of chapter 80, title 18, Idaho Code, or any other Idaho motor vehicle law. A suspension under section 18-8002, Idaho Code, which is a civil penalty, is for the refusal to take the test for blood-alcohol concentration and not a portion of any sentence for the underlying offense of driving under the influence of alcohol, drugs or other intoxicating substances.

SECTION 2. That Section 18-8002, Idaho Code, be, and the same is hereby amended to read as follows:

18-8002. TEST ~~FOR~~ OF DRIVER FOR BLOOD ALCOHOL. (1) Any person who drives or is in actual physical control of a motor vehicle in this state shall be deemed to have given his consent to an evidentiary test for concentration of alcohol, drugs or other intoxicating substances as defined in section 18-8004, Idaho Code, provided that such test is administered at the request of a police officer having reasonable grounds to believe that person has been driving or in actual physical control of a motor vehicle while under the influence of alcohol, drugs or of any other intoxicating substances.

(2) Such person shall not have the right to consult with an attorney before submitting to an evidentiary test for concentration of alcohol, drugs or other intoxicating substances.

(3) At the time an evidentiary test for concentration of alcohol, drugs or other intoxicating substances is requested, the person shall be informed that if he refuses to take the test:

(a) His license will be seized by the police officer and a temporary permit will be issued;

(b) He has the right to request a hearing within seven (7) days to show cause why he refused to take the test;

(c) If he does not request a hearing or does not prevail at the hearing, his license will be suspended absolutely for one hundred twenty (120) days; and

(d) After submitting to the test he may, when practicable, at his own expense, have additional tests made by a person of his own choosing.

(4) If the motorist refuses to take the evidentiary test after the information has been given in accordance with subsection (3) above:

(a) His license or permit shall be seized by the police officer and forwarded to the court and a temporary permit shall be issued by the police officer which allows him to operate a motor vehicle until the date of his hearing, if a hearing is requested, but in no event for more than thirty (30) days;

(b) A written request may be made within seven (7) calendar days for a hearing before the court; if requested, the hearing must be held within thirty (30) days of the seizure; the hearing shall be limited to the question of why the defendant did not take the test, and the burden of proof shall be upon the defendant; the court shall suspend all his driving privileges immediately for one hundred twenty (120) days unless it finds that the police officer did not have probable cause to stop and request him to take the test or that the request violated his civil rights;

(c) If a hearing is not requested by written notice to the court concerned within seven (7) calendar days, upon receipt of a sworn statement by the police officer of the circumstances of the refusal, the court shall suspend his driving privileges for one hundred twenty (120) days, during which time he shall have absolutely no driving privileges of any kind; and

(d) After submitting to the test at the request of the police officer, he may, when practicable, at his own expense, have additional tests made by a person of his own choosing. The failure or inability to obtain an additional test or tests by a person shall not preclude the admission of an evidentiary test for alcohol concentration taken at the direction of the police officer unless the additional test was denied by the police officer.

(5) Any Ssuspension of driving privileges under this section shall be a civil penalty separate and apart from any other suspension imposed for a violation of other Idaho motor vehicle codes or for a conviction of an offense pursuant to this chapter, and may be appealed to the district court.

(6) No hospital, hospital officer, agent, or employee, or health care professional licensed by the state of Idaho shall be held liable in damages in any civil proceeding for a cause of action based upon assault, battery or false imprisonment, or be subject to prosecution under chapter 9 or 29, title 18, Idaho Code, for any act arising out of administering an evidentiary test for alcohol concentration at the request of a police officer in the manner described by this section.

(7) "Actual physical control" as used in this section, shall be defined as being in the driver's position of the motor vehicle with the motor running or with the motor vehicle moving.

(8) Any written notice required by this section shall be effective upon mailing.

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 31, 1987.

CHAPTER 221
(S.B. No. 1042)

AN ACT

RELATING TO IDAHO BUSINESS CORPORATIONS; AMENDING SECTION 30-1-5, IDAHO CODE, TO CLARIFY THE AUTHORITY OF AN IDAHO CORPORATION TO ADVANCE LITIGATION EXPENSES TO DIRECTORS, OFFICERS, EMPLOYEES OR AGENTS; AND AMENDING SECTION 30-1-54, IDAHO CODE, TO PROVIDE THAT AN IDAHO CORPORATION MAY INCLUDE IN ITS ARTICLES OF INCORPORATION A PROVISION LIMITING THE PERSONAL LIABILITY OF A DIRECTOR UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 30-1-5, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-5. INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS. (a) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction, or upon a plea of nolo contendere or its equivalent, shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action or proceeding, had reasonable cause to believe that his conduct was unlawful.

(b) A corporation shall have power to indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact

that he is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorneys' fees) actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation and except that no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of his duty to the corporation unless and only to the extent that the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all circumstances of the case, such person is fairly and reasonably entitled to indemnity for such expenses which such court shall deem proper.

(c) To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in subsections (a) or (b) hereof, or in defense of any claim, issue or matter therein, he shall be indemnified against expenses (including attorneys' fees) actually and reasonably incurred by him in connection therewith.

(d) Any indemnification under subsections (a) or (b) of this section (unless ordered by a court) shall be made by the corporation only as authorized in the specific case upon a determination that indemnification of the director, officer, employee or agent is proper in the circumstances because he has met the applicable standard of conduct set forth in subsections (a) or (b). Such determination shall be made (1) by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or (2) if such a quorum is not obtainable, or, even if obtainable a quorum of disinterested directors so directs, by independent legal counsel in a written opinion, or (3) by the shareholders.

(e) Expenses (including attorneys' fees) incurred in defending a civil or criminal action, suit or proceeding may be paid by the corporation in advance of the final disposition of such action, suit or proceeding ~~as authorized in the manner provided in subsection (d)~~ upon receipt of an undertaking by or on behalf of the director, officer, employee or agent to repay such amount ~~unless~~ if it shall ultimately be determined that he is not entitled to be indemnified by the corporation as authorized in this section.

(f) The indemnification and advancement of expenses provided by, or granted pursuant to the other subsections of this section shall not be deemed exclusive of any other rights to which those ~~idemnified~~ seeking indemnification or advancement of expenses may be entitled under any bylaw, agreement, vote of shareholders or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office~~, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, execu-~~

~~tors and administrators of such a person.~~

(g) A corporation shall have power to purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him and incurred by him in any such capacity or arising out of his status as such, whether or not the corporation would have the power to indemnify him against such liability under the provisions of this section; provided that banks, savings and loan associations and credit unions chartered under the laws of the state of Idaho may provide indemnification only by insurance.

(h) For the purposes of this section, the term "corporation" includes, in addition to the resulting corporation, all constituent corporations and their predecessors absorbed in a consolidation or merger, which, if separate existence had continued, would have had power and authority to indemnify its directors, officers, employees, or agents.

(i) The indemnification and advancement of expenses provided by, or granted pursuant to, this section shall, unless otherwise provided when authorized or ratified, continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, and personal representatives of such a person.

SECTION 2. That Section 30-1-54, Idaho Code, be, and the same is hereby amended to read as follows:

30-1-54. ARTICLES OF INCORPORATION. (1) The articles of incorporation shall set forth:

(a) The name of the corporation.

(b) The period of duration, which may be perpetual.

(c) The purpose or purposes for which the corporation is organized which may be stated to be, or to include, the transaction of any or all lawful business for which corporations may be incorporated under this act.

(d) The aggregate number of shares which the corporation shall have authority to issue; if such shares are to consist of one (1) class only, the par value of each of such shares, or a statement that all of such shares are without par value; or, if such shares are to be divided into classes, the number of shares of each class, and a statement of the par value of the shares of each such class or that such shares are to be without par value.

(e) If the shares are to be divided into classes, the designation of each class and a statement of the preferences, limitations and relative rights in respect of the shares of each class.

(f) If the corporation is to issue the shares of any preferred or special class in series, then the designation of each series and a statement of the variations in the relative rights and preferences as between series insofar as the same are to be fixed in the articles of incorporation, and a statement of any authority to be vested in the board of directors to establish series and fix and

determine the variations in the relative rights and preferences as between series.

(g) If any preemptive right is to be denied to shareholders, the provisions for such denial.

(h) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this act is required or permitted to be set forth in the bylaws or in the articles of incorporation.

(i) The address of its initial registered office, and the name of its initial registered agent at such address.

(j) The number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as directors until the first annual meeting of shareholders or until their successors be elected and qualify.

(k) The name and address of each incorporator.

(2) The articles of incorporation may set forth a provision eliminating or limiting the personal liability of a director to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, provided that such provision shall not eliminate or limit the liability of a director:

(a) For any breach of the director's duty of loyalty to the corporation or its stockholders.

(b) For acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(c) Provided for under section 30-1-48, Idaho Code.

(d) For any transaction from which the director derived an improper personal benefit.

No such provision shall eliminate or limit the liability of a director for any act or omission occurring prior to the date when such provision becomes effective. All references in this subsection to a director shall also be deemed to refer to a member of the governing body of a corporation which is not authorized to issue capital stock.

(3) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this act.

Approved March 31, 1987.

CHAPTER 222
(S.B. No. 1047, As Amended in the House)

AN ACT
RELATING TO REPORTING OF VENEREAL DISEASES; AMENDING SECTION 39-606, IDAHO CODE, TO STRIKE REFERENCE TO REPORTING BY NUMBER INSTEAD OF NAME AND TO PROVIDE PENALTIES FOR DISCLOSURE.

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

SECTION 1. That Section 39-606, Idaho Code, be, and the same is hereby amended to read as follows:

39-606. REPORTS ~~BY--NUMBERS~~ -- OBSERVANCE OF SECRECY. Reports to the director of the department of health and welfare of the existence of diseases included in this chapter shall be made by ~~a number which corresponds to~~ the name of the patient being treated for such disease. It is the intent of this chapter to observe all possible secrecy for the benefit of the sufferer so long as the said sufferer conforms to the requirements of this chapter. Confidential disease reports containing patient identification reported under this section shall only be used by public health officials who must conduct investigations. Any person who willfully or maliciously discloses the content of any confidential public health record, as described herein to any third party, except pursuant to a written authorization by the person who is the subject of the record or by his or her guardian or conservator, or as otherwise authorized by law, shall be guilty of a misdemeanor.

Approved March 31, 1987.

CHAPTER 223
(S.B. No. 1058)

AN ACT

RELATING TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE; AMENDING SECTION 33-3505, IDAHO CODE, TO PROVIDE THAT THE SUPERINTENDENT OF THE STATE YOUTH SERVICES CENTER SHALL BE A NONCLASSIFIED EMPLOYEE AND SERVE AT THE PLEASURE OF THE DIRECTOR; AND AMENDING SECTION 39-106, IDAHO CODE, TO PROVIDE THAT DIVISION ADMINISTRATORS AND INSTITUTIONAL SUPERVISORS SHALL SERVE AT THE PLEASURE OF THE DIRECTOR.

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

SECTION 1. That Section 33-3505, Idaho Code, be, and the same is hereby amended to read as follows:

33-3505. POWERS OF DIRECTOR OF DEPARTMENT OF HEALTH AND WELFARE. The director of the department of health and welfare shall have the power:

1. To employ a superintendent of the school who shall be a nonclassified employee and serve at the pleasure of the director, and, with his advice, to appoint such assistants, instructors, specialists and other employees as are required for the operation of the school; to fix salaries and prescribe duties; and to remove the superintendent or any other employee for cause~~.~~;

All teachers, except specialists, shall hold teaching certificates issued under authority of the state board of education and valid for grades and subjects taught. All specialists shall hold diplomas from

some accredited school of their specialty;

2. To have, at all times, general supervision and control of all property, real and personal, appertaining to the school, and to insure the same;

3. To employ architects or engineers in planning and construction, remodeling or repair of any building and, whenever no other agency is designated so to do, to let contracts for the construction, remodeling or repair and to supervise the work thereof;

4. To expend tax moneys appropriated, or otherwise placed to the credit of the school for the maintenance and operation thereof, and to account for the same as prescribed by law.

SECTION 2. That Section 39-106, Idaho Code, be, and the same is hereby amended to read as follows:

39-106. DIRECTOR -- ADDITIONAL POWERS AND DUTIES. 1. The director shall exercise the following powers and duties in addition to all other powers and duties inherent in the position:

a. Prescribe such rules and regulations as may be necessary for the administration of the department, the conduct and duties of the employees, the orderly and efficient management of department business, and the custody, use and preservation of department records, papers, books and property belonging to the state.

b. Employ such personnel as may be deemed necessary, prescribe their duties and fix their compensation within the limits provided by the state personnel system law.

c. Administer oaths for all purposes required in the discharge of his duties.

d. Prescribe the qualifications of all personnel of the department on a nonpartisan merit basis, in accordance with the Idaho personnel system law, provided, however, that the administrators in charge of ~~the~~ any division of ~~environmental protection and the division of personal health~~ the department, and the administrators in charge of state hospital north, state hospital south, and Idaho state school and hospital shall serve at the pleasure of the director.

e. Create such units, sections and subdivisions as are or may be necessary for the proper and efficient functioning of the department.

2. All of the executive and administrative duties, powers and functions transferred to the administrator of the department of environmental and community services by chapter 87, Laws of 1973, are hereby transferred to the director of the department of health and welfare, who shall be the successor in law to all contractual obligations entered into by his predecessors in law.

3. All rights and title to property transferred to and vested in the department of environmental and community services by chapter 87, Laws of 1973, are hereby transferred to and vested in the department of health and welfare. The department established by this act is empowered to acquire, by purchase or exchange, any property which in the judgment of the department is needful for the operation of the facilities and programs for which it is responsible and to dispose of,

by sale or exchange, any property which in the judgment of the department is not needful for the operation of the same.

4. All codes, rules, regulations, standards, plans, licenses, permits and certificates heretofore adopted by the board of environmental and community services, or the department of environmental and community services, pursuant to chapter 87, Laws of 1973, shall remain in full force and effect until superseded by rules, regulations, standards, plans, licenses, permits and certificates duly adopted or issued under the provisions of this act.

Approved March 31, 1987.

CHAPTER 224
(S.B. No. 1139, As Amended in the House)

AN ACT

RELATING TO INSPECTION OF PUBLIC RECORDS; AMENDING SECTION 2 OF CHAPTER 210, LAWS OF 1986, TO EXTEND THE SUNSET CLAUSE.

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

SECTION 1. That Section 2 of Chapter 210, Laws of 1986, be, and the same is hereby amended to read as follows:

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~~8~~.

Approved March 31, 1987.

CHAPTER 225
(S.B. No. 1153, As Amended)

AN ACT

RELATING TO DAM SAFETY; AMENDING SECTION 42-1717, IDAHO CODE, TO PROVIDE A LIMITATION OF LIABILITY FOR THE WATER RESOURCE BOARD, AND TO PROVIDE FURTHER EXCEPTION TO LIABILITY FOR THE STATE'S DAM SAFETY FUNCTIONS.

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

SECTION 1. That Section 42-1717, Idaho Code, be, and the same is hereby amended to read as follows:

42-1717. JURISDICTION OVER SUPERVISION OF MAINTENANCE, OPERATION

AND INSPECTION OF DAMS AND MINE TAILINGS IMPOUNDMENT STRUCTURES. Supervision over the maintenance and operation of dams, reservoirs and mine tailings impoundment structures insofar as necessary to safeguard life and property from injury by reason of the failure thereof is vested in the director of the department of water resources. The director shall at state expense inspect or cause to be inspected, as often as he thinks advisable, every dam used for holding water and mine tailings impoundment structure used for holding tailings slurry in this state; however, all dams twenty (20) feet or more in height or mine tailings impoundment structures more than thirty (30) feet in height shall be inspected at least once every two (2) years, and if after any such inspection such dam or mine tailings impoundment structure, in the opinion of the director, is unsafe, and life or property liable to be endangered by reason thereof, the director shall give written notice and order by certified mail or by personal service upon the owner or owners to remove or repair the same so as to make it safe. If such owner or owners shall neglect or refuse to remove or repair the same after notice to that effect has been given in writing by the director, the director may draw off all or part of such water from behind such dam, embankment or mine tailings slurry from behind mine tailings impoundment structure and keep said water or mine tailings slurry drawn off until such time as the orders shall be complied with. In determining whether or not a dam, reservoir or mine tailings impoundment structure or proposed dam, reservoir or mine tailings impoundment structure constitutes or would constitute a danger to life or property, the director shall take into consideration the possibility that the dam, reservoir or mine tailings impoundment structure might be endangered by overtopping, seepage, settlement, erosion, cracking, earth movement or other conditions which exist or might occur in any area in the vicinity of the dam, reservoir or mine tailings impoundment structure.

No action shall be brought against the state, the water resource board, the director, or the department of water resources or ~~its~~ their respective agents or employees for the recovery of damages caused by the partial or total failure of any dam, reservoir or mine tailings impoundment structure or through the operation of any dam, reservoir or mine tailings impoundment structure upon the ground that such defendant is liable by virtue of any of the following:

(a) The approval of the dam, reservoir or mine tailings impoundment structure.

(b) The issuance or enforcement of orders relative to maintenance or operation of the dam, reservoir or mine tailings impoundment structure.

(c) Control and regulation of the dam, reservoir or mine tailings impoundment structure.

(d) Measures taken to protect against failure during an emergency.

(e) The use of design and construction criteria prepared by the department.

(f) The failure to issue or enforce orders, to control or regulate dams, or to take measures to protect against dam failure.

No action shall be brought by the state against the owner for

pollution which may occur in the event that the director orders emergency dumping or bypassing.

Nothing in this part shall be construed to relieve an owner or operator of a dam, reservoir or mine tailings impoundment structure of the legal duties, obligations or liabilities incident to the ownership or operation of the dam, reservoir or mine tailings impoundment structure.

The findings and orders of the director and the certificate of approval of any dam, reservoir or mine tailings impoundment structure issued by the director are final and conclusive and binding upon all state agencies, regulatory or otherwise, as to the safety of design, construction, maintenance and operation of any dam, reservoir or mine tailings impoundment structure.

The director may require owners to keep records of, and to report on, maintenance, operation, staffing and engineering and geologic investigations, and the water resource board shall issue such rules and regulations as necessary to secure maintenance and operation and to require staffing and engineering and geologic investigations which will safeguard life and property. In addition, the owner of a dam, reservoir or mine tailings impoundment structure or his agent shall fully and promptly advise the department of any sudden or unprecedented flood or unusual or alarming circumstance or occurrence affecting the safety of the dam, reservoir or mine tailings impoundment structure. The director, from time to time, shall make inspections of dams, reservoirs and mine tailings impoundment structures at state expense for the purpose of determining their safety, but shall require owners to perform at their expense such work as necessary to disclose information sufficient to enable the director to determine conditions of dams, reservoirs, and mine tailings impoundment structures in regard to their safety and to perform at their expense other work necessary to secure maintenance and operation which will safeguard life and property.

Approved March 31, 1987.

CHAPTER 226
(S.B. No. 1165)

AN ACT

RELATING TO CRIME VICTIMS COMPENSATION; AMENDING SECTION 72-1003, IDAHO CODE, TO PROVIDE THAT THE DEFINITION OF CRIMINALLY INJURIOUS CONDUCT DOES NOT INCLUDE CONDUCT ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF A MOTOR VEHICLE, EXCEPT ACTS INTENDED TO CAUSE PERSONAL INJURY OR DEATH AND VIOLATIONS OF THE PROVISIONS OF SECTIONS 18-8004 AND 49-1001, IDAHO CODE; AMENDING SECTION 72-1007, IDAHO CODE, TO PROVIDE THAT REPORTS OF LAW ENFORCEMENT AGENCIES AND PROVIDERS OF MEDICAL TREATMENT SHALL REMAIN CONFIDEN-

TIAL; AND AMENDING SECTION 72-1024, IDAHO CODE, TO SPECIFY THE CRIME VICTIMS COMPENSATION ACCOUNT AS THE RECIPIENT OF FUNDS REPAID BY A CRIMINAL OFFENDER.

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

SECTION 1. That Section 72-1003, Idaho Code, be, and the same is hereby amended to read as follows:

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. Criminally injurious conduct does not include conduct arising out of the ownership, maintenance, or use of a motor vehicle except when intended to cause personal injury or death; provided that criminally injurious conduct shall include violations of the provisions of sections 18-8004 and 49-1001, Idaho Code.

(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.

SECTION 2. That Section 72-1007, Idaho Code, be, and the same is hereby amended to read as follows:

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, provided that all copies of reports of law enforcement agencies, hospitals, physicians, mental health counselors and any other person providing treatment to the victim shall remain confidential except that during the commission's regular office hours any claimant, or his attorney or authorized representative, may examine all files maintained by the commission in connection with his application for compensation.

SECTION 3. That Section 72-1024, Idaho Code, be, and the same is hereby amended to read as follows:

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~~ account 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.

Approved March 31, 1987.

CHAPTER 227
(S.B. No. 1168)

AN ACT

RELATING TO SETTING OF INTERIOR MONUMENTS FOR SUBDIVISIONS; AMENDING CHAPTER 13, TITLE 50, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 50-1331, 50-1332 AND 50-1333, IDAHO CODE, TO PROVIDE CONDITIONS WHEN INTERIOR MONUMENTS FOR A SUBDIVISION NEED NOT BE SET PRIOR TO THE RECORDING OF THE PLAT OF THE SUBDIVISION, TO PROVIDE FOR MARKING INTERIOR MONUMENTS FOR A SUBDIVISION AFTER THE RECORDING OF A PLAT, TO PROVIDE FOR RECORDING OF PLATS OF SUBDIVISIONS WITH ONLY EXTERIOR MONUMENTS REFERENCED, TO PROVIDE A TIME FOR SETTING INTERIOR MONUMENTS, TO PROVIDE DUTIES OF THE COUNTY RECORDER, AND TO PROVIDE FOR PAYMENT OF SURVEYORS.

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

SECTION 1. That Chapter 13, Title 50, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 50-1331, 50-1332, and 50-1333, Idaho Code, and to read as follows:

50-1331. SETTING OF INTERIOR MONUMENTS FOR A SUBDIVISION. Interior monuments for a subdivision need not be set prior to the recording of the plat of the subdivision if the land surveyor performing the survey work certifies that the interior monuments will be set on or before a specified date as provided in subsection (1) of section 50-1333, Idaho Code, and if the person subdividing the land furnishes to the governing body of the county or city which approved the subdivision, a bond or cash deposit guaranteeing the payment of the cost of setting the interior monuments for the subdivision, as provided in section 50-1332, Idaho Code.

50-1332. MARKING INTERIOR MONUMENTS AFTER RECORDING OF PLAT -- BOND OR CASH DEPOSIT REQUIRED -- RELEASE OF BOND -- RETURN OF CASH DEPOSIT -- PAYMENT FOR SURVEY WORK -- COUNTY SURVEYOR PERFORMING SURVEY WORK. (1) If the interior monuments for a subdivision are to be marked on or before a specified date after the recording of the plat of the subdivision, the person subdividing the land described in such plat shall furnish, prior to recording the plat, to the governing body of the city or county which approved the plat, a bond or cash deposit, at the option of the governing body, in an amount equal to one hundred twenty percent (120%) of the estimated cost of performing the work for the interior monumentation. The estimated cost of performing such work will be determined by the surveyor signing the plat.

(2) If the person subdividing the land described in subsection (1) of this section pays the surveyor for performing the interior monumentation work and notifies the governing body of such payment, the governing body within two (2) months after such notice, shall release the bond or return the cash deposit upon a finding that such payment has been made. Upon written request from the person subdividing the land, the governing body may pay the surveyor from moneys

within a cash deposit held by it for such purpose and return the excess amount of the cash deposit, if any, to such person.

(3) In the event of the death, disability, or retirement from practice of the surveyor charged with the responsibility for setting interior monuments for a subdivision or upon the failure of such surveyor to set such monuments, the governing body may direct the county surveyor in his official capacity or contract with a surveyor in private practice to set such monuments and reference such monuments for recording as provided in section 50-1333, Idaho Code. Payment of the fees of a county surveyor or private surveyor performing such work shall be made as otherwise provided in this section.

50-1333. RECORDING OF PLATS WITH ONLY EXTERIOR MONUMENTS REFERENCED. (1) If the person subdividing any land has complied with subsection (1) of section 50-1332, Idaho Code, the surveyor may prepare the plat of the subdivision for recording with only the exterior monuments referenced thereon as submitted for recording. There shall be attached to any such plat the affidavit of the surveyor that the interior monuments for the subdivision will be marked on or before a specified date in accordance with section 50-1303, Idaho Code, and referenced on the plat for the subdivision as approved by the city or county. The time for setting the interior monuments shall not exceed one (1) calendar year from the date the first plat is recorded.

(2) After the interior monuments for a subdivision have been marked as provided in an affidavit submitted under subsection (1) of this section, the surveyor performing such work shall:

(a) Within five (5) days after completion of such work, give written notice to the person subdividing the land involved, the surveyor or engineer of the city or county by which the subdivision was approved and the governing body of such city or county; and

(b) Reference such monuments on an exact copy of the subdivision plat as previously recorded; and

(c) Upon approval of such plat copy in accordance with section 50-1304, Idaho Code, file such plat copy with the county recorder with whom the plat of the subdivision was previously recorded.

(3) The county recorder, upon receipt of a plat copy filed pursuant to subsection (2) of this section, shall record such plat copy and endorse the recording reference for such plat copy upon the plat of the subdivision previously recorded. The recording reference for such plat copy shall operate as reference to the interior monuments referenced on such plat copy and shall constitute constructive notice of such monument references for all purposes as though such monuments had been referenced on the plat of the subdivision as previously recorded.

(4) In the event that the developer fails or refuses to authorize the payment for interior monumentation, the surveyor may request payment from the governing body, and upon inspection by the governing body of the interior monumentation, the governing body shall pay the surveyor from moneys held.

Approved March 31, 1987.

CHAPTER 228
(S.B. No. 1175)

AN ACT

RELATING TO NONCLASSIFIED STATE EMPLOYEES; AMENDING SECTION 59-1603, IDAHO CODE, TO PROVIDE THAT CERTAIN STATE EMPLOYEES ARE NOT ELIGIBLE FOR SICK LEAVE OR VACATION LEAVE EXCEPT UNDER CERTAIN CONDITIONS, AND ARE NOT ELIGIBLE FOR HOLIDAY PAY.

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

SECTION 1. That Section 59-1603, Idaho Code, be, and the same is hereby amended to read as follows:

59-1603. CONFORMITY WITH CLASSIFIED POSITIONS. (1) To the extent possible, each nonclassified position in the executive department will be paid a salary or wage comparable to classified positions with similar duties, responsibilities, training, experience and other qualifications. Temporary employees and agricultural inspectors referred to in subsections (n) and (p) of section 67-5303, Idaho Code, shall not be entitled to sick leave accruals provided in section 59-1605, Idaho Code, vacation leave provided in section 59-1606, Idaho Code, nor holiday pay defined in subsection (12) of section 67-5302, Idaho Code, unless contributions are being made to the public employees retirement system in accordance with chapter 13, title 59, Idaho Code, and rules promulgated by the retirement board. Vacation and sick leave accruals, but not holiday pay, shall be awarded retroactively, if necessary, to the date such employees become eligible for retirement system membership. Officers and employees who are not paid from the salary schedule established in section 67-5309C(a), Idaho Code, are not eligible for the longevity factors provided by section 67-5309C(b), Idaho Code.

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

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

(4) The state board of education shall determine the schedules of salary and compensation, longevity, and prescribe policies for overtime and compensatory time off from duty, for all officers and employees of the state board of education who are not subject to the provisions of chapter 53, title 67, Idaho Code, and which are not

otherwise fixed by law. To the extent possible, the state board of education shall adopt schedules and policies which are compatible with the state's accounting system. The state board of education may also maintain personnel records and files under a system of its own, if approved by the state auditor.

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

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

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

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

Approved March 31, 1987.

CHAPTER 229
(S.B. No. 1177)

AN ACT

RELATING TO THE REVOCATION, SUSPENSION OR DENIAL OF A TEACHING CERTIFICATE; AMENDING SECTION 33-1208, IDAHO CODE, TO PROVIDE THAT A FINDING OF GUILT OF A CRIME INVOLVING MORAL TURPITUDE SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR DENIAL OF A CERTIFICATE, AND TO PROVIDE THAT A CONVICTION, FINDING OF GUILT, WITHHELD JUDGMENT OR SUSPENDED SENTENCE IN THIS STATE OR ANY OTHER STATE FOR THE DEALING, SELLING OR TRAFFICKING OF CONTROLLED SUBSTANCES OR SIMULATED CONTROLLED SUBSTANCES SHALL BE GROUNDS FOR REVOCATION, SUSPENSION OR DENIAL OF A CERTIFICATE BY THE STATE BOARD OF EDUCATION.

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

SECTION 1. That Section 33-1208, Idaho Code, be, and the same is

hereby amended to read as follows:

33-1208. REVOCATION, SUSPENSION OR DENIAL OF CERTIFICATE -- GROUNDS. The state board of education may revoke or suspend any certificate issued or authorized under section 33-1201, Idaho Code, upon any of the following grounds:

a. Gross neglect of duty;

b. Incompetency;

c. Breach of the teaching contract;

d. Making any material statement of fact in the application for a certificate, which the applicant knows to be false;

e. Revocation, suspension, denial or surrender of a certificate in another state for any reason constituting grounds for revocation in this state;

f. Conviction, finding of guilt, withheld judgment or suspended sentence, in this or any other state of a crime involving moral turpitude;

g. Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the dealing, selling or trafficking of controlled substances or simulated controlled substances as those terms are defined in section 37-2701, Idaho Code;

h. Any disqualification which would have been sufficient grounds for refusing to issue or authorize a certificate, if the disqualification existed or had been known at the time of its issuance or authorization;

hi. Wilful violation of any professional code or standard of ethics or conduct, adopted by the state board of education.

The state board may deny the issuance of a certificate for any reason that would be a ground for revocation or suspension.

A district superintendent shall report to the chief officer of teacher certification the name of any educator dismissed or otherwise severed from employment for the commission of an act or acts that would constitute grounds for revocation or suspension of a certificate.

Approved March 31, 1987.

CHAPTER 230
(S.B. No. 1193)

AN ACT

RELATING TO THE CRIME OF AGGRAVATED ARSON; AMENDING CHAPTER 8, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-805, IDAHO CODE, TO DEFINE THE CRIME OF AGGRAVATED ARSON, AND TO PROVIDE A PENALTY.

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

SECTION 1. That Chapter 8, 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 18-805, Idaho Code, and to read as follows:

18-805. AGGRAVATED ARSON. (1) A person commits aggravated arson when in the course of committing any arson he knowingly damages, partially or totally, any building or structure, including any adjacent building or structure, and (a) he knows or reasonably should know that one or more persons are present therein, or (b) any person suffers death, great bodily harm, permanent disability or disfigurement as a result of the fire, explosion, flame, smoke, toxic gases, or panic, or (c) a fireman or police officer who is present at the scene acting in the line of duty, suffers death, great bodily harm, permanent disability or disfigurement as a result of the fire, explosion, flame, smoke, toxic gases, or panic.

(2) Any person convicted of aggravated arson shall be sentenced to an extended term of imprisonment. The extended term of imprisonment shall be computed by increasing the sentence imposed for a conviction under section 18-801, 18-802, 18-803 or 18-804, Idaho Code, by not more than ten (10) years.

Approved March 31, 987.

CHAPTER 231
(S.B. No. 1201)

AN ACT
APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR THE PERSONNEL COMMISSION FOR FISCAL YEAR 1988.

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

SECTION 1. There is hereby appropriated to the Department of Administration for the Personnel Commission the following amount, to be expended according to designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$1,118,500
Operating Expenditures	331,900
Capital Outlay	14,000
TOTAL	$1,464,400
FROM:	
Personnel Commission Account	$1,464,400

Approved March 31, 1987.

CHAPTER 232
(S.B. No. 1202)

AN ACT

APPROPRIATING MONEYS TO THE INDUSTRIAL COMMISSION FOR FISCAL YEAR 1988, AND DESIGNATING PROGRAM LIMITS; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE INDUSTRIAL COMMISSION.

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
Crime Victims Compensation Account	$ 24,000	$ 5,000	$ 5,000	$466,000	$ 500,[illegible]
Industrial Administration Account	1,237,800	472,000	987,300		2,697,[illegible]
TOTAL	$1,261,800	$477,000	$ 992,300	$466,000	$3,197,[illegible]
B. REHABILITATION:					
FROM:					
Industrial Administration Account	$1,076,700	$278,500	$ 74,000		$1,429,[illegible]
GRAND TOTAL	$2,338,500	$755,500	$1,066,300	$466,000	$4,626,[illegible]

SECTION 2. There is hereby reappropriated to the Industrial Commission any unexpended and unencumbered balances of all moneys appropriated by Section 1, Chapter 165, Laws of 1986, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved March 31, 1987.

CHAPTER 233
(S.B. No. 1203)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE IDAHO TRANSPORTATION DEPARTMENT FOR FISCAL YEAR 1988, 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, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$ 49,854,500
Operating Expenditures	28,533,700
Capital Outlay	98,979,400
Trustee & Benefit Payments	2,619,900
TOTAL	$179,987,500
FROM:	
State Highway Account	$174,997,900
Idaho Traffic Safety Commission Account	800,000
State Aeronautics Account	2,465,900
Interagency Billing and Receipts	1,723,700
TOTAL	$179,987,500

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. GENERAL SUPPORT:					
FROM:					
State Highway Account	$11,211,700	$ 6,186,500	$ 681,800	$ 338,100	$ 18,418,100
B. HIGHWAYS:					
FROM:					
State Highway Account	$37,994,400	$20,308,600	$ 98,260,100		$156,563,100
Idaho Traffic Safety Commission Account				$ 800,000	800,000
TOTAL	$37,994,400	$20,308,600	$ 98,260,100	$ 800,000	$157,363,100

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. AERONAUTICS:					
FROM:					
State Aeronautics Account	$ 425,000	$ 389,500	$ 37,500	$ 150,000	$ 1,002,
D. PUBLIC TRANSPORTATION:					
FROM:					
State Highway Account	$ 11,300	$ 5,400			$ 16,
State Aeronautics Account	83,000	49,100		$1,331,800	1,463,
TOTAL	$ 94,300	$ 54,500		$1,331,800	$ 1,480,
E. INTER AND INTRA-DEPARTMENTAL SERVICES:					
FROM:					
Interagency Billing and Receipts	$ 129,100	$ 1,594,600			$ 1,723,
GRAND TOTAL	$49,854,500	$28,533,700	$ 98,979,400	$2,619,900	$179,987,

Approved March 31, 1987.

CHAPTER 234
(S.B. No. 1204)

AN ACT

EXPRESSING LEGISLATIVE INTENT; AND APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE MILITARY DIVISION FOR FISCAL YEAR 1988, 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 Military Division not exceed the following amounts for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$3,708,000
Operating Expenditures	2,152,700
Capital Outlay	39,000
TOTAL	$5,899,700

FROM:	
General Account	$1,604,800
Adjutant General Receipts Account	198,100
Civil Defense--Federal Administration and Personnel Account	589,200
Federal and State Contracts Account	3,443,600
Federal Indirect Cost Account	29,400
Interagency Billing and Receipts Account	34,600
TOTAL	$5,899,700

SECTION 2. There is hereby appropriated to the Office of the Governor for the Military Division, the following amounts to be expended for designated programs according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. MILITARY MANAGEMENT:				
FROM:				
General Account	$679,300	$440,600	$30,000	$1,149,900
Adjutant General Receipts Account	40,900	157,200		198,100
Interagency Billing and Receipts Account	34,600			34,600
TOTAL	$754,800	$597,800	$30,000	$1,382,600
II. ADMINISTERING FEDERAL AND STATE CONTRACTS:				
FROM:				
General Account	$ 91,800	$ 145,700		$ 237,500
Federal-State Contracts Account	2,244,300	1,199,300		3,443,600
TOTAL	$2,336,100	$1,345,000		$3,681,100
III. BUREAU OF DISASTER SERVICES:				
FROM:				
General Account	$ 168,500	$ 44,300	$ 4,600	$ 217,400
Civil Defense--Federal Administration and Personnel Account	419,200	165,600	4,400	589,200
Federal Indirect Cost Account	29,400			29,400
TOTAL	$ 617,100	$ 209,900	$ 9,000	$ 836,000
GRAND TOTAL	$3,708,000	$2,152,700	$39,000	$5,899,700

Approved March 31, 1987.

CHAPTER 235
(S.B. No. 1205)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE PUBLIC EMPLOYEES RETIREMENT SYSTEM FOR FISCAL YEAR 1988; AND APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE STATE LIQUOR DISPENSARY FOR FISCAL YEAR 1988.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the Public Employees Retirement System the following amount, to be expended according to the designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Public Employees' Retirement System Account	$ 929,400	$ 454,800	$ 23,000	$1,407,200

SECTION 2. There is hereby appropriated to the Office of the Governor for the State Liquor Dispensary the following amount, to be expended according to the designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
Liquor Account	$3,412,400	$2,664,200	$300,000	$6,376,600

Approved March 31, 1987.

CHAPTER 236
(S.B. No. 1208)

AN ACT

APPROPRIATING MONEYS TO THE AGRICULTURAL COMMODITY COMMISSIONS IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 1988; AND DESIGNATING PROGRAM LIMITS.

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

SECTION 1. There is hereby appropriated to the following Agricul-

tural 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, 1987, through June 30, 1988:

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	$ 40,400	$ 205,600		$ 246,000
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	$206,800	$2,494,400		$ 2,701,200
E. IDAHO POTATO COMMISSION:				
FROM:				
Potato Commission Account	$393,200	$5,604,800	$2,000	$ 6,000,000
F. IDAHO WHEAT COMMISSION:				
FROM:				
Idaho Wheat Commission Account	$115,900	$ 919,500	$ 500	$ 1,035,900
GRAND TOTAL	$763,000	$9,547,400	$2,700	$10,313,100

Approved March 31, 1987.

CHAPTER 237
(S.B. No. 1209)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF INSURANCE FOR FISCAL YEAR 1988; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF INSURANCE.

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, 1987, through June 30, 1988:

FROM:

Insurance Administration Account	$1,853,500
Arson, Fire and Fraud Prevention Account	457,800
Title Insurance Account	87,800
TOTAL	$2,399,100

SECTION 2. There is hereby reappropriated to the Department of Insurance any unexpended and unencumbered balances of all moneys appropriated by Section 1, Chapter 160, Laws of 1986, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved March 31, 1987

CHAPTER 238
(S.B. No. 1210)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 1988; EXPRESSING LEGISLATIVE INTENT THAT TWENTY-FIVE THOUSAND DOLLARS IS TO BE USED FOR THE IDAHO COUNCIL ON ECONOMIC EDUCATION AND PROVIDING DISBURSEMENT GUIDELINES; APPROPRIATING MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FROM THE IDAHO AG IN THE CLASSROOM ACCOUNT; 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 Superintendent of Public Instruction/State Department of Education not exceed the following amounts for the period July 1, 1987, through June 30, 1988:

FROM:

General Account	$ 2,419,000
Interagency Billing and Receipts Account	103,900
MECC Account	26,000
Professional Standards Commission Account	206,000
Driver Training Account	1,515,100
Commodity Distribution Account	457,600
Computer Services Account	531,300
Indian Education Account	250,500
Elementary-Secondary Education Account	19,096,900
Educational Block Grant Account	2,533,900
Food Services Account	13,097,600

Association for the Humanities in Idaho Account	36,500
TOTAL	$40,274,300

SECTION 2. There is hereby appropriated to the Superintendent of Public Instruction/State Department of Education the following amounts, to be expended for designated programs from the listed accounts for the period July 1, 1987, through June 30, 1988:

A. MANAGEMENT:

FROM:

General Account	$ 264,700
Educational Block Grant Account	66,900
TOTAL	$ 331,600

B. FINANCE AND ADMINISTRATION:

FROM:

General Account	$ 1,193,800
Interagency Billing and Receipts Account	103,900
Driver Training Account	1,515,100
Commodity Distribution Account	457,600
Computer Services Account	531,300
Educational Block Grant Account	88,300
Food Services Account	13,097,600
TOTAL	$16,987,600

C. STATE-FEDERAL INSTRUCTIONAL SERVICES:

FROM:

General Account	$ 960,500
MECC Account	26,000
Professional Standards Commission Account	206,000
Association for the Humanities in Idaho Account	36,500
Indian Education Account	250,500
Elementary and Secondary Education Account	19,096,900
Educational Block Grant Account	2,378,700
TOTAL	$22,955,100
GRAND TOTAL	$40,274,300

SECTION 3. It is legislative intent that $25,000 of the General Account moneys appropriated in Section 2 of this act for the Finance and Administration Program is to be used for the Idaho Council on Economic Education for the period July 1, 1987, through June 30, 1988. This appropriation shall be administered as a "matching grant" and is contingent on adherence to the guidelines set forth in this section.

During the period January 1, 1987, through December 31, 1987, the Idaho Council on Economic Education may request disbursements from the appropriation provided in this section, of amounts equal to the contributions received from other sources, up to a maximum of $25,000.

SECTION 4. There is hereby appropriated from the Idaho Ag in the Classroom Account to the Superintendent of Public Instruction/State Department of Education for the State-Federal Instructional Services Program all moneys transferred into the Idaho Ag in the Classroom Account to be used as set forth in Section 57-815, Idaho Code, for the period July 1, 1987 through June 30, 1988.

SECTION 5. 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 6. There is hereby reappropriated to the Superintendent of Public Instruction/State Department of Education any unexpended and unencumbered balances of the General Account moneys appropriated by Section 2, Chapter 158, Laws of 1986, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved March 31, 1987.

CHAPTER 239
(S.B. No. 1211)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE ENDOWMENT FUND INVESTMENT BOARD FOR FISCAL YEAR 1988.

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 according to the designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$141,400	$82,400	$1,400	$225,200
Interagency Billing and Receipts Account	47,100	11,000	300	58,400
TOTAL	$188,500	$93,400	$1,700	$283,600

Approved March 31, 1987.

CHAPTER 240
(S.B. No. 1212)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 1988, 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, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$1,609,300
Operating Expenditures	1,025,100
Capital Outlay	40,000
TOTAL	$2,674,400
FROM:	
General Account	$ 179,400
Public Utilities Commission Account	2,495,000
TOTAL	$2,674,400

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. UTILITIES REGULATION:				
FROM:				
Public Utilities Commission Account	$ 754,400	$ 715,500	$27,000	$1,496,900
B. REGULATED CARRIERS:				
FROM:				
Public Utilities Commission Account	$ 259,000	$ 173,300	$10,000	$ 442,300
C. ADMINISTRATION:				
FROM:				
General Account	$ 179,400			$ 179,400
Public Utilities Commission Account	416,500	$ 136,300	$ 3,000	555,800
TOTAL	$ 595,900	$ 136,300	$ 3,000	$ 735,200
GRAND TOTAL	$1,609,300	$1,025,100	$40,000	$2,674,400

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 $179,400 for fiscal year 1988 only.

Approved March 31, 1987.

CHAPTER 241
(S.B. No. 1213)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LABOR AND INDUSTRIAL SERVICES FOR FISCAL YEAR 1988, 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, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$2,394,100
Operating Expenditures	656,100
Capital Outlay	35,100
Trustee and Benefit Payments	90,000
TOTAL	$3,175,300
FROM:	
General Account	$ 470,700
Electrical Board Account	1,527,400
Plumbing Board Account	554,900
Idaho Building Code Account	364,100
Interagency Billing and Receipts Account	158,200
Mine Safety Training Grant Account	100,000
TOTAL	$3,175,300

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
General Account	$ 55,100	$ 5,400			$ 60,500
Electrical Board Account	144,800	25,200			170,000

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Idaho Building Code Account	43,100	12,300			55,400
Plumbing Board Account	60,300	15,700			76,000
Interagency Billing and Receipts Account		18,200			18,200
TOTAL	$ 303,300	$ 76,800			$ 380,100
B. SAFETY COMPLIANCE:					
FROM:					
Electrical Board Account	$1,041,200	$316,200			$1,357,400
Idaho Building Code Account	254,300	54,400			308,700
Plumbing Board Account	374,800	104,100			478,900
TOTAL	$1,670,300	$474,700			$2,145,000
C. SAFETY AND LABOR RELATIONS BUREAU:					
FROM:					
General Account	$ 331,200	$ 79,000			$ 410,200
Mine Safety Training Grant Account	5,000	5,000		$90,000	100,000
Interagency Billing and Receipts Account	84,300	20,600	$35,100		140,000
TOTAL	$ 420,500	$104,660	$35,100	$90,000	$ 650,200
GRAND TOTAL	$2,394,100	$656,100	$35,100	$90,000	$3,175,300

Approved March 31, 1987.

CHAPTER 242
(S.B. No. 1215)

AN ACT

APPROPRIATING MONEYS TO THE SUPREME COURT FOR FISCAL YEAR 1988; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES.

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

SECTION 1. There is hereby appropriated to the Supreme Court the following amount, from the listed accounts, for the period July 1,

1987, through June 30, 1988:
FROM:

General Account	$10,797,500
Water Resources Adjudication Account	60,000
Interagency Billing and Receipts Account	79,400
TOTAL	$10,936,900

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.

Approved March 31, 1987.

CHAPTER 243
(S.B. No. 1216)

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 1988 AND DESIGNATING PROGRAM LIMITS.

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

SECTION 1. It is legislative intent that $3,200 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 for the designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:
FOR:

Personnel Costs	$7,891,600

Operating Expenditures	1,355,500
Capital Outlay	177,400
Trustee & Benefit Payments	378,200
TOTAL	$9,802,700
FROM:	
General Account	$1,654,700
Dedicated Accounts	8,148,000
TOTAL	$9,802,700

SECTION 3. 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, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
General Account	$ 163,700	$ 106,400	$ 37,800		$ 307,900
Agriculture Department Inspection Account	171,900	10,700			182,600
Rural Rehabilitation Account		20,800		$150,000	170,800
TOTAL	$ 335,600	$ 137,900	$ 37,800	$150,000	$ 661,300
B. ANIMAL INDUSTRY:					
FROM:					
General Account	$ 306,800	$ 17,500			$ 324,300
Livestock Disease Control & T.B. Indemnity Account	293,900	144,600	$ 20,600		459,100
Dairy Industry and Inspection Account	218,900	58,800	21,400		299,100
Livestock Dealer License Account	2,500	2,200			4,700
TOTAL	$ 822,100	$ 223,100	$ 42,000		$1,087,200
C. PLANT INDUSTRY:					
FROM:					
General Account	$ 138,400	$ 156,100			$ 294,500
Agriculture Department Inspection Account	532,500	94,500			627,000
Bee Inspection Account	15,900				15,900
Commercial Feed and Fertilizer Account	220,400	89,700			310,100
Pesticide Account	280,700	111,600	$ 21,800		414,100
TOTAL	$1,187,900	$ 451,900	$ 21,800		$1,661,600
D. AGRICULTURAL INSPECTIONS:					
FROM:					
General Account	$ 516,300	$ 115,800	$ 55,900		$ 688,000
Agriculture Department Inspection Account	105,700	39,700		$ 3,200	148,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Fresh Fruit and Vegetable Inspection Account	4,741,900	329,300	19,900	100,000	5,191,1
Egg Inspection Account	78,800	19,700			98,5
Public Livestock Market Account	6,500				6,5
Wheat Statistics Account	2,000	8,400			10,4
TOTAL	$5,451,200	$ 512,900	$ 75,800	$103,200	$6,143,1
E. SHEEP COMMISSION:					
FROM:					
General Account	$ 19,000	$ 1,000		$ 20,000	$ 40,0
Sheep Commission Account	75,500	17,000		105,000	197,5
TOTAL	$ 94,500	$ 18,000		$125,000	$ 237,5
F. HONEY ADVERTISING COMMISSION:					
FROM:					
Idaho Honey Advertising Account	$ 300	$ 11,700			$ 12,0
GRAND TOTAL	$7,891,600	$1,355,500	$177,400	$378,200	$9,802,7

Approved March 31, 1987.

CHAPTER 244
(S.B. No. 1217)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF PARKS AND RECREATION FOR FISCAL YEAR 1988 AND 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 Parks and Recreation not exceed the following amounts for the designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$3,477,300
Operating Expenditures	1,117,300
Capital Outlay	1,075,900
Trustee and Benefit Payments	3,710,200
TOTAL	$9,380,700

FROM:	
General Account	$2,516,100
State Vessel Account	870,000
Cross-Country Skiing Account	21,100
Parks and Recreation Capital Improvement Account	852,500
Park and Recreation Account	1,026,200
Waterways Improvement Account	370,000
Park Donation Account	5,400
Lava Hot Springs Foundation Account	475,500
Off-Road Motor Vehicle Account	321,300
State Snowmobile Account	230,000
Motorbike Recreation Account	90,300
Park and Recreation Federal Account	205,900
Recreational Vehicle Account	345,700
Coast Guard Boat Safety Account	158,600
Federal Pass-Through Account	1,500,000
Federal Surcharge Account	282,700
Harriman State Park Account	109,400
TOTAL	$9,380,700

SECTION 2. There is hereby appropriated to the Department of Parks and Recreation the following amounts, to be expended for designated programs according to the designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. ADMINISTRATION:					
FROM:					
General Account	$ 366,300	$ 68,900			$ 435,200
Park and Recreation Account	72,000	204,200	$ 22,500		298,700
Parks and Recreation Capital Improvement Account			27,500		27,500
Motorbike Recreation Account		15,300			15,300
Federal Surcharge Account	97,200	16,500			113,700
TOTAL	$ 535,500	$ 304,900	$ 50,000		$ 890,400
II. PARK OPERATIONS:					
FROM:					
General Account	$1,685,400	$ 6,100	$ 800		$1,692,300
Parks and Recreation Capital Improvement Account		269,000	206,000		475,000
Park and Recreation Account	482,700	183,700	1,500		667,900
Park Donation Account		5,400			5,400
Harriman State Park Account	53,100	54,300	2,000		109,400
TOTAL	$2,221,200	$ 518,500	$ 210,300		$2,950,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
III. PARK DEVELOPMENT:					
FROM:					
General Account	$ 142,600		$ 200,000		$ 342,6
Parks and Recreation Capital Improvement Account			350,000		350,0
Park and Recreation Account		14,200			14,2
Park and Recreation Federal Account			200,000		200,0
TOTAL	$ 142,600	$ 14,200	$ 750,000		$ 906,8
IV. RECREATIONAL RESOURCES:					
FROM:					
General Account	$ 35,100	$ 10,900			$ 46,0
State Vessel Account				$ 870,000	870,0
Park and Recreation Account		33,400		12,000	45,4
Waterways Improvement Account				370,000	370,0
Off-Road Motor Vehicle Account	43,600	21,500	$ 7,200	249,000	321,3
State Snowmobile Account				230,000	230,0
Motorbike Recreation Account	4,400	1,000		69,600	75,0
Federal Pass-Through Account				1,500,000	1,500,0
Cross-Country Skiing Account		6,100		15,000	21,1
Park and Recreation Federal Account		5,900			5,9
Federal Surcharge Account	165,700	3,300			169,0
Recreational Vehicle Account	19,100	24,600	2,400	299,600	345,7
Coast Guard Boat Safety Account	34,600	3,000	26,000	95,000	158,6
TOTAL	$ 302,500	$ 109,700	$ 35,600	$3,710,200	$4,158,0
V. LAVA HOT SPRINGS FOUNDATION:					
FROM:					
Lava Hot Springs Foundation Account	$ 275,500	$ 170,000	$ 30,000		$ 475,5
GRAND TOTAL	$3,477,300	$1,117,300	$1,075,900	$3,710,200	$9,380,7

SECTION 3. Construction authorized under the provisions of this act, to include all preliminary matters through completion of construction, is expressly exempt from the provisions of Section 67-5711, Idaho Code.

Approved March 31, 1987.

CHAPTER 245
(S.B. No. 1218)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF ADMINISTRATION FOR FISCAL YEAR 1988 AND DESIGNATING PROGRAM LIMITS; STATING THE PURPOSE OF GENERAL ACCOUNT MONEYS APPROPRIATED AS TRUSTEE AND BENEFIT PAYMENTS; AND EXEMPTING CERTAIN PERSONNEL FROM THE PROVISIONS OF CHAPTER 53, TITLE 67, 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 Administration not exceed the following amount for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$ 4,379,900
Operating Expenditures	4,769,400
Capital Outlay	632,700
Trustee & Benefit Payments	2,487,700
TOTAL	$12,269,700
FROM:	
General Account	$ 2,267,600
Interagency Billing and Receipts Account	8,389,700
Permanent Building Fund Account	712,200
Federal Surplus Property Revolving Account	343,200
Risk Retention Account	305,500
Employee Group Insurance Account	251,500
TOTAL	$12,269,700

SECTION 2. There is hereby appropriated to the Department of Administration 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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CENTRAL ADMINISTRATION:					
FROM:					
General Account	$ 87,700	$ 64,200			$ 151,900

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOT
Permanent Building Fund Account		3,400			
Employee Group Insurance Account		3,500			
Risk Retention Account		3,400			
Interagency Billing and Receipts Account	349,400	283,900		$ 26,300	65
TOTAL	$ 437,100	$ 358,400		$ 26,300	$ 82
II. GENERAL SERVICES:					
FROM:					
General Account	$ 318,000	$ 53,100	$ 7,000		$ 37
Interagency Billing and Receipts Account	724,900	479,400	225,900		1,43
TOTAL	$1,042,900	$ 532,500	$232,900		$ 1,80
III. PUBLIC WORKS:					
FROM:					
General Account				$1,400,900	$ 1,40
Interagency Billing and Receipts Account	$ 724,500	$1,779,500	$ 17,100	1,060,500	3,58
Permanent Building Fund Account	506,600	202,200			70
TOTAL	$1,231,100	$1,981,700	$ 17,100	$2,461,400	$ 5,69
IV. PURCHASING:					
FROM:					
General Account	$ 259,600	$ 77,100			$ 33
Interagency Billing and Receipts Account	869,400	1,470,200	$378,700		2,71
Federal Surplus Property Revolving Account	205,400	133,800	4,000		34
TOTAL	$1,334,400	$1,681,100	$382,700		$ 3,39
V. INSURANCE MANAGEMENT:					
FROM:					
Employee Group Insurance Account	$ 139,100	$ 108,900			$ 24
Risk Retention Account	195,300	106,800			30
TOTAL	$ 334,400	$ 215,700			$ 55
GRAND TOTAL	$4,379,900	$4,769,400	$632,700	$2,487,700	$12,26

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.

SECTION 4. Employees of the Data Processing Resource Review Program, as authorized by the appropriation contained in Section 2 of this act for the General Services Division, shall be exempt from the provisions of Chapter 53, Title 67, Idaho Code.

Approved March 31, 1987.

CHAPTER 246
(S.B. No. 1221)

AN ACT

APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT FOR DEPOSIT IN THE PUBLIC HEALTH TRUST ACCOUNT FOR FISCAL YEAR 1988; AND APPROPRIATING MONEYS FROM THE PUBLIC HEALTH TRUST ACCOUNT FOR FISCAL YEAR 1988.

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, 1987 through June 30, 1988:

FOR:	
Public Health District Programs	$2,464,000
FROM:	
General Account	$2,464,000

SECTION 2. There is hereby appropriated out of the listed account, the following amount for the designated purpose for the period July 1, 1987 through June 30, 1988:

FOR:	
Public Health District Programs	$2,464,000
FROM:	
Public Health Trust Account	$2,464,000

Approved March 31, 1987.

CHAPTER 247
(S.B. No. 1222)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE IDAHO GEOLOGICAL SURVEY PROGRAM FOR FISCAL YEAR 1988.

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 the following amount for the Idaho Geological Survey Program according to the designated expense classes from the listed account, for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$276,500
Operating Expenditures	48,100
Capital Outlay	8,000
TOTAL	$332,600
FROM:	
General Account	$332,600

Approved March 31, 1987.

CHAPTER 248
(S.B. No. 1224)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION AND THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE FOREST UTILIZATION RESEARCH PROGRAM FOR FISCAL YEAR 1988.

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 the following amount for the Forest Utilization Research Program, according to the designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$107,300
Operating Expenses	12,500
TOTAL	$119,800
FROM:	
General Account	$119,800

Approved March 31, 1987.

CHAPTER 249
(S.B. No. 1225)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF WATER RESOURCES FOR FISCAL YEAR 1988 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 for the designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$4,605,700
Operating Expenditures	2,233,600
Capital Outlay	466,500
Trustee and Benefit Payments	1,269,700
TOTAL	$8,575,500
FROM:	
General Account	$4,403,800
Water Conservation and Development Account	10,000
Watermaster Service Account	136,800
Miscellaneous Federal Account	610,000
Federal Energy Account	1,369,900
Water Pollution Control Account	200,000
Water Resources Adjudication Account	1,845,000
TOTAL	$8,575,500

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, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. MANAGEMENT & SUPPORT SERVICES:					
FROM:					
General Account	$ 307,400	$ 243,600	$ 25,000		$ 576,000
Water Conservation and Development Account		10,000			10,000
Miscellaneous Federal Account	173,400	83,800			257,200
TOTAL	$ 480,800	$ 337,400	$ 25,000		$ 843,200
II. RESOURCES ANALYSIS:					
FROM:					
General Account	$ 749,400	$ 164,300	$ 70,000	$ 160,700	$1,144,400
Miscellaneous Federal Account	287,900	64,900			352,800
Water Pollution Control Account		200,000			200,000
TOTAL	$1,037,300	$ 429,200	$ 70,000	$ 160,700	$1,697,200
III. ENERGY RESOURCES:					
FROM:					
General Account	$ 92,200	$ 25,500			$ 117,700
Federal Energy Account	654,700	715,200			1,369,900
TOTAL	$ 746,900	$ 740,700			$1,487,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. SNAKE BASIN ADJUDICATIONS:					
FROM:					
General Account	$ 155,000	$ 87,700		$ 409,000	$ 651,7(
Water Resources Adjudication Account	663,000	249,100	232,900	700,000	1,845,0(
TOTAL	$ 818,000	$ 336,800	$232,900	$1,109,000	$2,496,7(
V. REGIONAL OFFICES:					
FROM:					
General Account	$ 787,600	$ 228,000	$120,000		$1,135,6(
Watermaster Services Account	112,900	23,900			136,8(
TOTAL	$ 900,500	$ 251,900	$120,000		$1,272,4(
VI. OPERATIONS BUREAU:					
FROM:					
General Account	$ 622,200	$ 137,600	$ 18,600		$ 778,4(
GRAND TOTAL	$4,605,700	$2,233,600	$466,500	$1,269,700	$8,575,5(

Approved March 31, 1987.

CHAPTER 250
(S.B. No. 1226)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LANDS FOR FISCAL YEAR 1988, AND DESIGNATING PROGRAM LIMITS; AMENDING CHAPTER 1, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-135, IDAHO CODE, TO CREATE A FOREST PRACTICES ADMINISTRATION ACCOUNT; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN TRANSFERS BY THE STATE AUDITOR; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO TRANSFERS TO THE FOREST PEST ACCOUNT.

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 for designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$ 8,195,700
Operating Expenditures	6,265,500
Capital Outlay	741,000
Trustee & Benefit Payments	311,100
TOTAL	$15,513,300

FROM:	
General Account	$ 6,025,000
Interagency Billing and Receipts Account	67,000
Scaling Practices Account	193,000
Forest and Range Conservation Account	9,900
Land Commissioners Scaling Trust Account	580,300
Forest Management Account	1,916,700
Forest Protection Account	1,332,600
Pilgrim Cove Water System Account	5,000
Resource Conservation and Rangeland Loan Account	8,000
Forest Practices Administration Account	153,100
Forest Pest Account	286,200
Mining Bond Forfeiture Account	5,300
Clearwater Potlatch Timber Protection Association Account	1,547,800
Southern Idaho Timber Protection Association Account	363,100
10% Grazing Lease Account	196,700
10% Recreation Lease Account	169,700
10% Timber Lease Account	2,155,600
Lands Federal Account	246,500
Oil and Gas Commission Account	3,600
Site Restoration Account	248,200
TOTAL	$15,513,300

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, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. SUPPORTING SERVICES:					
FROM:					
General Account	$ 685,600	$ 236,100			$ 921,700
Interagency Billing and Receipts Account		19,200	$ 5,800		25,000
Forest Protection Account	201,600	21,600	6,800		230,000
Forest Management Account	48,400	12,100			60,500
Lands Federal Account		34,100			34,100
TOTAL	$ 935,600	$ 323,100	$ 12,600		$ 1,271,300
II. FOREST RESOURCES MANAGEMENT:					
FROM:					
General Account	$1,599,500	$ 269,400	$179,100		$ 2,048,000
Land Commissioners Scaling Trust Account	492,700	54,600	33,000		580,300
Forest Pest Account	145,400	140,800			286,200

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Forest Practices Administration Account	107,600	14,000	31,500		153,10
Site Restoration Account	10,000	238,200			248,20
10% Timber Lease Account	948,400	1,175,100	32,100		2,155,60
Lands Federal Account	49,200	27,900			77,10
TOTAL	$3,352,800	$1,920,000	$275,700		$ 5,548,50
III. LAND, RANGE AND MINERAL RESOURCE MANAGEMENT:					
FROM:					
General Account	$1,071,400	$ 136,800	$ 90,900		$ 1,299,10
Interagency Billing and Receipts Account		42,000			42,00
10% Grazing Lease Account	70,700	79,000	47,000		196,70
Oil and Gas Commission Account		3,600			3,60
Mining Bond Forfeiture Account		5,300			5,30
10% Recreation Lease Account	64,300	90,900	14,500		169,70
Pilgrim Cover Water System Account		5,000			5,00
TOTAL	$1,206,400	$ 362,600	$152,400		$ 1,721,40
IV. FOREST & RANGE FIRE PROTECTION:					
FROM:					
General Account	$ 429,400	$ 807,200		$161,000	$ 1,397,60
Forest and Range Conservation Account	6,000	3,900			9,90
Forest Protection Account	797,500	27,800	252,300		1,077,60
TOTAL	$1,232,900	$ 838,900	$252,300	$161,000	$ 2,485,10
V. HAZARD MANAGEMENT & EROSION CONTROL:					
FROM:					
Forest Management Account	$1,002,500	$ 818,700	$ 35,000		$ 1,856,20
Forest Protection Account	25,000				25,00
Clearwater Potlatch Timber Protection Association Account		1,547,800			1,547,80

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Southern Idaho Timber Protection Association Account		363,100			363,100
TOTAL	$1,027,500	$2,729,600	$ 35,000		$ 3,792,100
VI. SOIL & WATER CONSERVATION:					
FROM:					
General Account	$ 178,400	$ 29,600	$ 500	$150,100	$ 358,600
Lands Federal Account	113,900	21,400			135,300
Resource Conservation and Rangeland Loan Account	6,000	2,000			8,000
TOTAL	$ 298,300	$ 53,000	$ 500	$150,100	$ 501,900
VII. SCALING PRACTICES:					
FROM:					
Scaling Practices Account	$ 142,200	$ 38,300	$ 12,500		$ 193,000
GRAND TOTAL	$8,195,700	$6,265,500	$741,000	$311,100	$15,513,300

SECTION 3. That Chapter 1, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 38-135, Idaho Code, and to read as follows:

38-135. FOREST PRACTICES ADMINISTRATION ACCOUNT. There is hereby created in the dedicated fund of the state treasury a forest practices administration account into which shall be paid the assessment on private owners of forest lands as provided in section 38-134, Idaho Code.

SECTION 4. It is legislative intent that on or before June 30, 1987, $25,000 shall be transferred by the State Auditor from the Erosion Control Account to the Forest Protection Account.

SECTION 5. It is legislative intent that all funds in, or accruing to, the Insect Disease Control Account be transferred to the Forest Pest Account.

Approved March 31, 1987.

CHAPTER 251
(S.B. No. 1227)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE SCHOOL FOR THE DEAF AND THE BLIND, FOR FISCAL YEAR 1988; 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 amount, to be expended according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

FROM:	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
General Account	$2,791,900	$492,600	$35,000	$3,319,500
State School for the Deaf and the Blind Income Account		43,000		43,000
Federal Deaf and Blind Children Account	105,600	10,700		116,300
Interagency Billing and Receipts Account		29,100		29,100
TOTAL	$2,897,500	$575,400	$35,000	$3,507,900

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 163, Laws of 1986, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved March 31, 1987.

CHAPTER 252
(S.B. No. 1237)

AN ACT

REPEALING SECTION 5 OF HOUSE BILL NO. 194, FIRST REGULAR SESSION, FORTY-NINTH IDAHO LEGISLATURE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 5 of House Bill No. 194, First Regular Session, Forty-ninth Idaho Legislature, be, and the same is hereby repealed.

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

Approved April 1, 1987.

CHAPTER 253
(H.B. No. 14, As Amended, As Amended in the Senate)

AN ACT

RELATING TO FISH AND GAME PERMITS; AMENDING SECTION 36-409, IDAHO CODE, TO PROVIDE FOR AN UPLAND GAME PERMIT TO BE REQUIRED TO HUNT ALL SPECIES OF UPLAND GAME WITH EXCEPTIONS, TO PROVIDE FOR EXPENDITURE OF FUNDS AND TO PROVIDE A SUNSET CLAUSE.

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

SECTION 1. That Section 36-409, Idaho Code, be, and the same is hereby amended to read as follows:

36-409. GAME TAGS -- ARCHERY PERMITS -- FEES -- PENALTY. (a) Resident Game Tags. A resident who has 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	$500.00
Bighorn Sheep	60.00	500.00
Mountain Goat	60.00	500.00
Elk	13.50	235.00
Deer	7.50	90.00
Antelope	26.50	90.00
Mountain Lion	10.00	100.00
Bear	6.00	40.00
Turkey	6.00	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) Upland Game Permit. The commission may, under rules and regulations as it may prescribe, issue an upland game permit that must be purchased by all persons over sixteen (16) years of age prior to hunting upland game, provided that a permit shall not be required to hunt forest grouse (blue, ruffed or spruce), sharp-tailed grouse, sage grouse, mourning dove, turkey, cottontail rabbit, pygmy rabbit or snowshoe hare. The fee for such a permit shall be five dollars ($5.00) and the proceeds from the sale of such permits shall be utilized for the acquisition of state and federal lands or interests of less than fee simple in private lands and the development, management, improvement, sale or exchange of upland game habitat. This subsection shall be null and void and of no force and effect on and after July 1, 1995.

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

Approved April 1, 1987.

CHAPTER 254
(H.B. No. 61)

AN ACT

RELATING TO THE CIGARETTE TAX; AMENDING SECTION 63-2506, IDAHO CODE, TO INCREASE THE RATE OF THE CIGARETTE TAX BY 89/200 OF ONE CENT FOR EACH CIGARETTE; AMENDING SECTION 63-2520, IDAHO CODE, TO PROVIDE FOR THE DISTRIBUTION OF CIGARETTE TAX REVENUES; AMENDING CHAPTER 25, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2522, IDAHO CODE, TO IMPOSE AN ADDITIONAL TAX OF 89/200 OF ONE CENT FOR EACH CIGARETTE; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE FOR SECTION 3 OF THIS ACT.

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

SECTION 1. That Section 63-2506, Idaho Code, be, and the same is hereby amended to read as follows:

63-2506. IMPOSITION OF TAX. A tax upon the purchase, storage, use, consumption, handling, distribution or wholesale sale of cigarettes is hereby imposed at the rate of 9180/200 of $.01 for each cigarette, which tax shall be paid by the wholesaler, and collected by the state tax commission.

SECTION 2. That Section 63-2520, Idaho Code, be, and the same is hereby amended to read as follows:

63-2520. DISTRIBUTION OF MONEYS COLLECTED. Revenues received from the taxes imposed by this chapter, and any revenues received from licenses, permits, penalties, interest, or deficiency additions, shall be distributed by the tax 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.

(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~~ 43.3% of such balance shall be distributed to the permanent building account created by section 57-1108, Idaho Code.

(2) ~~10.989 6.7%~~ of such balance shall be distributed to the water pollution control account.

(3) 1.899% 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~~ 2.5% 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 3. 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 63-2522, Idaho Code, and to read as follows:

63-2522. IMPOSITION AND RATE OF TAX. Commencing March 1, 1987, and ending July 1, 1987, in addition to the tax imposed by section 63-2506, Idaho Code, there is hereby imposed a tax upon the purchase, storage, use, consumption, handling, distribution or wholesale sale of cigarettes at the rate of 89/200 of $.01 for each cigarette, which tax shall be paid by the wholesaler and collected by the state tax commission.

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

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, Section 3 of this act shall be in full force and effect on and after March 1, 1987.

Approved April 1, 1987.

CHAPTER 255
(H.B. No. 147)

AN ACT

RELATING TO TEACHER CERTIFICATE FEES; AMENDING SECTION 33-1205, IDAHO CODE, TO INCREASE THE APPLICATION FEES FOR CERTIFICATES ISSUED OR RENEWED BY THE STATE BOARD OF EDUCATION FROM TWENTY DOLLARS TO THIRTY-FIVE DOLLARS; AND TO ESTABLISH A FIFTEEN DOLLAR FEE FOR CERTIFICATE CHANGES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-1205, Idaho Code, be, and the same is hereby amended to read as follows:

33-1205. CERTIFICATE RECORDS AND FEES. The state board of education shall cause to be maintained a record of all certificates issued, showing names, dates of issue and renewal, and if revoked, the date thereof and the reason therefor. ~~For--each--application--for--an original--certificate,--and--each--renewal-the-state-board-shall-set-a nonrefundable-fee,-in-an-amount-not-to-exceed-twenty-dollars-($20.00).~~ A thirty-five dollar ($35.00) nonrefundable fee shall accompany each application for an original certificate and each application for renewal. A fifteen dollar ($15.00) nonrefundable fee shall accompany each application for certificate changes that are processed subsequent to the issuance of the original or renewed certificate. The fee shall be used by the professional standards commission for payment of the reasonable expenses in performing its duties and responsibilities as approved by the state board of education and a portion of the fees shall be used by the state department of education to partially defray the cost of the office of certification.

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, 1987.

CHAPTER 256
(H.B. No. 194)

AN ACT

RELATING TO SCHOOL ELECTIONS; AMENDING SECTION 33-405, IDAHO CODE, TO REQUIRE VOTERS IN SCHOOL ELECTIONS TO REGISTER; AMENDING SECTION 34-404, IDAHO CODE, TO REQUIRE VOTERS IN SCHOOL ELECTIONS TO REGISTER; AMENDING CHAPTER 4, TITLE 34, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 34-437B, IDAHO CODE, TO PROVIDE THAT THE COUNTY CLERK SHALL FURNISH A LIST OF REGISTERED ELECTORS TO A SCHOOL DISTRICT; AND AMENDING SECTION 33-804, IDAHO CODE, TO PROVIDE A SLIDING SCALE PERCENTAGE OF THE ELECTORS VOTING IN AN ELECTION FOR A SCHOOL PLANT FACILITY RESERVE FUND LEVY REQUIRED FOR APPROVAL BASED ON THE AMOUNT OF THE TOTAL LEVY AND BONDED INDEBTEDNESS OF THE DISTRICT BASED ON A PERCENT OF MARKET VALUE FOR ASSESSMENT PURPOSES; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 33-405, Idaho Code, be, and the same is hereby amended to read as follows:

33-405. QUALIFICATIONS OF SCHOOL ELECTORS. Any person voting, or

offering to vote, in any school election must be, at the time of the election eighteen (18) years of age and a United States citizen who has resided in this state and in the school district at least thirty (30) days next preceding the election in which the elector desires to vote. In the case of election of trustees, the elector must be a resident of the same trustee zone as the candidate or candidates for school district trustees for whom the elector offers to vote for at least thirty (30) days next preceding the election in which the elector desires to vote.

~~White r~~Registration requirements set forth in chapter 4, title 34, Idaho Code, shall ~~not~~ be applicable to school elections, and in addition to the foregoing qualifications, a school elector shall have executed, in writing and immediately before voting, a form of elector's oath attesting that he or she possesses the qualifications of a school elector prescribed by this section and indicating the mailing address, residence address or any other necessary information definitely locating the residence of the school elector. The elector may be required to furnish to the election official proof of residence, which proof shall be established by either an Idaho motor vehicle operator's license or any other document definitely establishing the elector's residence within the school district or trustee zone. ~~The forms of electors' oaths shall be included in the records and returns of the board of election.~~

SECTION 2. That Section 34-404, Idaho Code, be, and the same is hereby amended to read as follows:

34-404. REGISTRATION OF ELECTORS. All electors must register before being able to vote at any primary, general, special, school or any other election governed by the provisions of title 34, Idaho Code.

SECTION 3. That Chapter 4, Title 34, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 34-437B, Idaho Code, and to read as follows:

34-437B. FURNISHING LISTS OF REGISTERED ELECTORS TO SCHOOL DISTRICTS. Each of the county clerks, upon receiving a request therefor, not later than the thirtieth day prior to a school election, shall, not later than the seventh day prior to the election, supply to a requesting school board a list of registered electors of the counties within which a school district election is to be held. The county clerk shall assess the school board an amount which will compensate the county for the cost of preparing such a list.

SECTION 4. That Section 33-804, Idaho Code, be, and the same is hereby amended to read as follows:

33-804. SCHOOL PLANT FACILITIES RESERVE FUND LEVY. In any school district in which a school plant facilities reserve fund has been created, either by resolution of the board of trustees or by apportionment to new districts according to the provisions of section

33-901, Idaho Code, to provide funds therefor the board of trustees shall submit to the qualified school electors of the district the question of a levy not to exceed four-tenths of one percent (.4%) of market value for assessment purposes in each year for a period not to exceed ten (10) years.

The notice of such election shall state the dollar amount proposed to be collected during the first year, the period of years in each of which the collection is proposed to be made, and the purposes for which such funds shall be used. Said notice shall be given, the election shall be conducted and the returns canvassed as provided in sections 33-401--33-406, Idaho Code; and the dollar amount to be collected shall be approved only if ~~two-thirds (2/3)~~: (i) fifty-five percent (55%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of less than two-tenths of one percent (.2%) of market value for assessment purposes; (ii) sixty percent (60%) of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of two-tenths of one percent (.2%) or more and less than three-tenths of one percent (.3%) of market value for assessment purposes; or (iii) two-thirds (2/3) of the electors of the electors voting in such election are in favor thereof if the levy will result in a total levy for school plant facilities and bonded indebtedness of three-tenths of one percent (.3%) or more of market value for assessment purposes.

If the question be approved, the board of trustees may make a levy in each year according to the terms so approved, provided that no dollar amount shall be certified for levies approved by the electors in 1980 or thereafter that would produce more dollars than the dollar amount collected during the year when such levy was first imposed, which dollar amount may be increased by the factor determined under the provisions of section 63-2220(1)(i), Idaho Code; and may again submit the question at the expiration of the period of such levy, for the dollar amount to be collected during each year, and the number of years which the board may at that time determine. Or, during the period approved at any such election, if such period be less than ten (10) years or the levy be less than four-tenths of one percent (.4%) of market value for assessment purposes, the board of trustees may submit to the qualified school electors in the same manner as before, the question whether the number of years, or the levy, or both, be increased, but not to exceed the maximum herein authorized. If such increase or increases be approved by the electors, the terms of such levy shall be in lieu of those approved in the first instance, but disapproval shall not affect any terms theretofore in effect.

For school plant facilities reserve fund levies which were certified in 1980 or before, the maximum dollar amount that may be certified for collection in 1981 or thereafter shall not exceed the dollar amount certified in 1980, which dollar amount may be increased by the factor determined under the provisions of section 63-2220(1)(i), Idaho Code.

Levies approved under the provisions of this section shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 1, 1987.

CHAPTER 257
(H.B. No. 281)

AN ACT

RELATING TO RECOVERY OF DAMAGES FOR ECONOMIC LOSS WILFULLY CAUSED BY A MINOR; AMENDING SECTION 6-210, IDAHO CODE, TO PROVIDE FOR RECOVERY OF DAMAGES BY PERSONS OR CERTAIN ENTITIES IN AN AMOUNT NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS FROM THE PARENTS OF A MINOR UNDER THE AGE OF EIGHTEEN LIVING WITH THE PARENTS, WHEN THE MINOR WILFULLY CAUSES ECONOMIC LOSS WITH EXCEPTIONS; AND AMENDING SECTION 16-1814, IDAHO CODE, TO PROVIDE THAT A COURT MAY ORDER THE CHILD OR HIS PARENTS, OR BOTH, TO PAY RESTITUTION TO ANY VICTIMS WHO SUFFER AN ECONOMIC LOSS AS A RESULT OF THE CHILD'S CONDUCT.

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

SECTION 1. That Section 6-210, Idaho Code, be, and the same is hereby amended to read as follows:

6-210. RECOVERY OF DAMAGES FOR ~~WILFUL--DESTRUCTION--OF--PROPERTY~~ ECONOMIC LOSS WILFULLY CAUSED BY A MINOR. Any municipal corporation, county, city, ~~village,~~ school district, or any person, partnership, corporation or association, or any religious organization, whether incorporated or unincorporated, shall be entitled to recover damages in an amount not to exceed ~~one~~ two thousand five hundred dollars ($~~1~~2,500) in a court of competent jurisdiction from the parents of any minor, under the age of eighteen (18) years, living with the parents, who shall ~~maliciously or wilfully destroy property, real, personal, or mixed, belonging to such municipal corporation, county, city, village, school--district, or person, partnership, corporation, association, or religious organization~~ wilfully cause economic loss to such persons or entities, except as otherwise provided in section 49-313, Idaho Code. Economic loss shall include but not be limited to, the value of property, as that term is defined in section 18-2402(8), Idaho Code, taken, destroyed, broken or otherwise harmed, lost wages and direct out-of-pocket losses or expenses such as medical expenses resulting from the minor's wilful conduct, but shall not include less tangible damage such as pain and suffering, wrongful death or emotional distress.

SECTION 2. 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 or his

parents or both 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 sections 19-5304 and 19-5305, Idaho Code.

Approved April 1, 1987.

CHAPTER 258
(H.B. No. 183, As Amended in the Senate)

AN ACT

RELATING TO URBAN RENEWAL AND PROVIDING FOR REVENUE ALLOCATION FINANCING OF URBAN RENEWAL PROJECTS; AMENDING SECTION 50-2018, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2019, IDAHO CODE, TO PROVIDE FOR FINDINGS AND DECLARATIONS OF NECESSITY FOR REVENUE ALLOCATION; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2020, IDAHO CODE, TO PROVIDE AUTHORITY TO MUNICIPALITIES TO ADOPT REVENUE ALLOCATION PROVISIONS, AND TO PROVIDE TIME LIMITS; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2021, IDAHO CODE, TO REQUIRE PUBLIC HEARINGS AND ORDINANCES; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2022, IDAHO CODE, TO PROVIDE FOR A NOTICE OF HEARING; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2023, IDAHO CODE, TO REQUIRE A STATEMENT OF OBJECTIVES, COSTS AND TAX IMPACT; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2024, IDAHO CODE, TO PROVIDE FOR TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTIONS AND OTHER DOCUMENTS TO TAXING AGENCIES; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2025, IDAHO CODE, TO PROVIDE FOR DETERMINING TAXING DISTRICT LEVIES, FOR REVENUE ALLOCATION, AND FOR CREATION OF SPECIAL FUNDS; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2026, IDAHO CODE, TO PROVIDE PURPOSES FOR WHICH SPECIAL FUND MONEYS MAY BE PLEDGED, TO PROVIDE AUTHORIZATION TO INCUR DEBT AND TO ISSUE BONDS AND TO PLEDGE REVENUES, TO PROVIDE TIME LIMITS, AND TO PROVIDE THAT DEBT AND BONDS ARE NOT GENERAL OBLIGATIONS OR DEBTS; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2027, IDAHO CODE, TO PROVIDE TIME LIMITS ON ADOPTION OR MODIFICATION OF A PLAN AND THE ISSUANCE OF BONDS; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2028, IDAHO CODE, TO PROVIDE FOR TERMINATION OF REVENUE ALLOCATION AND FOR DISPOSITION OF UNEXPENDED MONEYS IN SPECIAL FUNDS; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2029, IDAHO CODE, TO PROVIDE FOR THE EFFECT OF REVENUE ALLOCATION ON OTHER TAX CALCULATIONS; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2030, IDAHO CODE, TO PROVIDE FOR TERMINATION OF AN URBAN RENEWAL AGENCY; AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A

NEW SECTION 50-2031, IDAHO CODE, TO PROVIDE SEVERABILITY; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 50-2018, Idaho Code, be, and the same is hereby amended to read as follows:

50-2018. DEFINITIONS. The following terms wherever used or referred to in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Agency" or "urban renewal agency" shall mean a public agency created by section 50-2006, Idaho Code.

(b) "Municipality" shall mean any incorporated city or town, or county in the state.

(c) "Public body" shall mean the state or any municipality, township, board, commission, authority, district, or any other subdivision or public body of the state.

(d) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(e) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(f) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(g) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(h) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use:

Provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply: And provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area.

(j) "Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include:

(1) acquisition of a deteriorated area or a deteriorating area or portion thereof;

(2) demolition and removal of buildings and improvements;

(3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this act in accordance with the urban renewal plan;

(4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the agency itself) at its fair value for uses in accordance with the urban renewal plan;

(5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(6) acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property; and

(7) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

(k) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(l) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole except as provided in subsection 50-2008(g), Idaho Code; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, and building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.

(m) "Related activities" shall mean (1) planning work for the

preparation or completion of a community-wide plan or program pursuant to section 50-2009, Idaho Code, and (2) the functions related to the acquisition and disposal of real property pursuant to section 50-2007(d), Idaho Code.

(n) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years and liens by way of judgment, mortgage or otherwise.

(o) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(p) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(q) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(r) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor.

(s) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(t) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(u) "Revenue allocation area" means that portion of an urban renewal area the equalized assessed valuation (as shown by the real, personal and operating property assessment rolls) of which the local governing body has determined, in and as a part of an urban renewal plan, is likely to increase as a result of the initiation of an urban renewal project. No revenue allocation area shall exceed thirty-five (35) acres in area, and no urban renewal agency shall ever have more than one (1) revenue allocation area at a time.

(v) "State" means the state of Idaho.

(w) "Taxing district" means a "taxing district" as defined in section 63-621, Idaho Code, as that section now exists or is hereafter amended.

(x) "Tax" or "taxes" means all levies on an ad valorem basis upon real property, personal property, operating property or any other tangible or intangible property.

(y) "Base assessment roll" means the equalized assessment rolls, for all classes of taxable property, last preceding January 1 of the year in which the local governing body of an authorized municipality passes an ordinance adopting or modifying an urban renewal plan con-

taining a revenue allocation financing provision, except that the base assessment roll shall be adjusted as follows: The equalized assessed valuation of the taxable property in a revenue allocation area as shown upon the base assessment roll shall be reduced by the amount by which the equalized assessed valuation as shown on the base assessment roll exceeds the current equalized assessed valuation of any taxable property located in the revenue allocation area, and by the equalized assessed valuation of taxable property in such revenue allocation area that becomes exempt from taxation subsequent to the date of the base assessment roll. The equalized assessed valuation of the taxable property in a revenue allocation area as shown on the base assessment roll shall be increased by the equalized assessed valuation, as of the date of the base assessment roll, of taxable property in such revenue allocation area that becomes taxable after the date of the base assessment roll.

(z) "Authorized municipality" means a municipality which has a population exceeding one hundred thousand (100,000) residents and has established an urban renewal agency which exists on the effective date of this act.

(aa) "Taxable property" means all property subject to taxes, as defined in section 50-2018(x), Idaho Code.

(bb) "Project costs" as used in section 50-2026(a)(1), Idaho Code, means the costs of:

(1) Acquisition, construction and improvement of any facilities included in an urban renewal project;

(2) Architectural, engineering, consulting, accounting and legal costs related directly to the development, financing and construction of a facility included in an urban renewal project, including costs of studies assessing the feasibility of such facility, and including all administrative costs incurred in connection with the issuance of bonds under section 50-2026(a), Idaho Code;

(3) Finance costs including discounts, if any, the costs of issuing bonds under section 50-2026(a), Idaho Code, and costs incurred in carrying out any trust agreement;

(4) Interest during construction and capitalized debt service or repair and replacement, or other appropriate reserves;

(5) The refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and

(6) Other costs incidental to any of the costs listed in this section.

(cc) "Facilities" mean land, rights in land, buildings, structures, machinery, landscaping, extension of utility services, approaches, roadways and parking, handling and storage areas, and similar auxiliary and related facilities.

SECTION 2. That Chapter 20, 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 50-2019, Idaho Code, and to read as follows:

50-2019. FINDINGS AND DECLARATIONS OF NECESSITY FOR REVENUE ALLOCATION. It is hereby found and declared that the raising of sufficient

revenue to finance effectively and efficiently the economic growth and redevelopment of urban renewal areas in municipalities with a population in excess of one hundred thousand (100,000) residents is a serious and substantial problem. It is the valid public purpose of the revenue allocation provisions of this chapter to allocate a portion of property taxes levied against taxable property located in a revenue allocation area for a limited period of time to assist in the financing of urban renewal plans and thus to encourage private development in urban renewal areas; to prevent or arrest the decay of urban areas due to the inability of existing financing methods to provide needed public improvements; to encourage taxing districts to cooperate in the allocation of future tax revenues arising in urban areas in order to facilitate the long-term growth of their common tax base; to encourage private investment within urban areas; and to further the public purposes described in section 50-2002, Idaho Code.

SECTION 3. That Chapter 20, 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 50-2020, Idaho Code, and to read as follows:

50-2020. MUNICIPALITIES AUTHORIZED TO ADOPT REVENUE ALLOCATION PROVISION -- TIME LIMITATIONS. (a) Any authorized municipality, as defined in section 50-2018(z), Idaho Code, is hereby authorized and empowered to adopt, at any time prior to January 1, 1989, a revenue allocation financing provision described in this chapter, as part of an urban renewal plan. Such a revenue allocation financing provision may be adopted either at the time of the original adoption of an urban renewal plan, or thereafter as a modification to an urban renewal plan. Urban renewal plans existing prior to the effective date of this section may be modified to include a revenue allocation financing provision.

(b) No authorized municipality shall adopt such a revenue allocation financing provision as part of the urban renewal plan after December 31, 1988. If a revenue allocation financing provision is adopted before January 1, 1989, such provision shall remain in full force and effect from the effective date of adoption of such provision until its termination pursuant to section 50-2028, Idaho Code.

SECTION 4. That Chapter 20, 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 50-2021, Idaho Code, and to read as follows:

50-2021. PUBLIC HEARING AND ORDINANCE REQUIRED. (a) To adopt a new urban renewal plan containing a revenue allocation financing provision, the local governing body of an authorized municipality must enact an ordinance in accordance with the requirement of chapter 9, title 50, Idaho Code, and section 50-2008, Idaho Code. To modify an existing urban renewal plan to add or change a revenue allocation financing provision, the local governing body of an authorized municipality must enact an ordinance in accordance with the requirements of

chapter 9, title 50, Idaho Code, and conduct a public hearing as provided in section 50-2008(c), Idaho Code. No urban renewal project, plan, or modification thereto shall be held ineffective for failure to comply with the requirements of this section if compliance with the section is substantial and in good faith.

(b) A revenue allocation financing provision adopted in accordance with this chapter shall be effective retroactively to January 1 of the year in which the local governing body of the authorized municipality enacts such ordinance.

SECTION 5. That Chapter 20, 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 50-2022, Idaho Code, and to read as follows:

50-2022. NOTICE OF PUBLIC HEARING ON ADOPTION OF REVENUE ALLOCATION FINANCING. The local governing body of an authorized municipality shall prepare a notice stating (a) that an urban renewal plan or modification thereto has been proposed and is being considered for adoption, and that such plan or modification thereto contains a revenue allocation financing provision that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the base assessment roll to be allocated to the agency for urban renewal purposes; and (b) that a public hearing on such plan or modification will be held by the local governing body pursuant to section 50-2008(c), Idaho Code. The notice shall also state the time, date, and place of the hearing. At least thirty (30) days but not more than sixty (60) days prior to the date set for final reading of the ordinance required by section 50-2021, Idaho Code, the local governing body shall publish this notice in a newspaper of general circulation and transmit this notice to the governing body of each taxing district which levies taxes upon any taxable property in the revenue allocation area and which would be affected by the revenue allocation financing provision of the urban renewal plan proposed to be approved by the local governing body.

SECTION 6. That Chapter 20, 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 50-2023, Idaho Code, and to read as follows:

50-2023. STATEMENT OF OBJECTIVES, COSTS AND TAX IMPACT. An urban renewal plan or modification thereto that contains a revenue allocation financing provision shall state the objectives of the municipality in undertaking the urban renewal project. Such plan or modification shall also contain estimates of the cost of the urban renewal project; the sources of revenue to finnance these costs, including estimates of revenue allocations under this chapter; the amount of bonded or other indebtedness to be incurred; and the duration of the project's existence. The plan shall also define the revenue allocation area and contain a statement of the estimated impact of revenue allocation financing on all taxing districts in which the revenue

allocation area is located. The information required by this section shall be made available to the public and the affected taxing districts at least five (5) days prior to the date set for final reading of the ordinance required by section 50-2021, Idaho Code.

SECTION 7. That Chapter 20, 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 50-2024, Idaho Code, and to read as follows:

50-2024. TRANSMITTAL OF REVENUE ALLOCATION AREA DESCRIPTION AND OTHER DOCUMENTS TO TAXING AGENCIES. After the effective date of an ordinance enacted by the local governing body of an authorized municipality under section 50-2021, Idaho Code, the clerk of the authorized municipality shall transmit, to the county auditor and tax assessor of the county in which the revenue allocation area is located, to the affected taxing districts and to the state tax commission, a copy of the ordinance enacted under section 50-2021, Idaho Code, a copy of the legal description of the boundaries of the revenue allocation area, and a map or plat indicating the boundaries of the revenue allocation area. Such documents shall be transmitted as promptly as practicable following the enactment of such ordinance.

SECTION 8. That Chapter 20, 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 50-2025, Idaho Code, and to read as follows:

50-2025. DETERMINATION OF TAXING DISTRICT LEVIES -- REVENUE ALLOCATION -- CREATION OF SPECIAL FUNDS AND DEPOSIT OF ALLOCATED REVENUES. (a) For purposes of calculating the rate at which taxes shall be levied by or for each taxing district in which a revenue allocation area is located, the county commissioners shall, with respect to the taxable property located in such revenue allocation area, use the equalized assessed value of such taxable property as shown on the base assessment roll rather than the current equalized assessed valuation of such taxable property.

(b) With respect to each such taxing district, the tax rate calculated under subsection (a) of this section shall be applied to the current equalized assessed valuation of all taxable property in the taxing district, including the taxable property in the revenue allocation area. The tax revenues thereby produced shall be allocated as follows:

(1) To the taxing district shall be allocated and shall be paid by the county treasurer:

(A) All taxes levied by the taxing district or on its behalf on taxable property located within the taxing district but outside the revenue allocation area;

(B) A portion of the taxes levied by the taxing district or on its behalf on the taxable property located within the revenue allocation area, which portion is the amount produced by applying the taxing district's tax rate determined under

subsection (a) of this section to the equalized assessed valuation, as shown on the base assessment roll, of the taxable property located within the revenue allocation area; and

(C) If such taxing district is a school district, a further portion of the taxes levied by such district or on its behalf on the taxable property located within the revenue allocation area, which portion is the amount equal to the percentage specified in section 33-1002(7)(a), Idaho Code, multiplied by the difference between the current equalized assessed valuation of such taxable property and the equalized assessed valuation of such taxable property as shown on the base assessment roll.

(2) To the urban renewal agency shall be allocated the balance, if any, of the taxes levied on the taxable property located within the revenue allocation area.

(c) Upon enactment of an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency shall create a special fund or funds to be used for the purposes enumerated in section 50-2026, Idaho Code. The revenues allocated to the urban renewal agency pursuant to section 50-2025(b)(2), Idaho Code, shall be paid to the agency by the treasurer of the county in which the revenue allocation district is located and shall be deposited by the agency into one or more of such special funds. The agency may, in addition, deposit into such special fund or funds such other income, proceeds, revenues and funds it may receive from sources other than the revenues allocated to it under section 50-2025(b)(2), Idaho Code.

SECTION 9. That Chapter 20, 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 50-2026, Idaho Code, and to read as follows:

50-2026. PURPOSES FOR WHICH SPECIAL FUND MONEYS MAY BE PLEDGED — AUTHORIZATION TO INCUR DEBT AND ISSUE BONDS AND TO PLEDGE REVENUES ALLOCATED TO SPECIAL FUND FOR PAYMENT OF DEBT AND BONDS -- TIME LIMITATION ON CREATION OF DEBT AND ISSUANCE OF BONDS -- DEBT AND BONDS NOT GENERAL OBLIGATION OR DEBT. (a) If the local governing body of an authorized municipality has enacted an ordinance adopting a revenue allocation financing provision as part of an urban renewal plan, the urban renewal agency established by such municipality is hereby authorized and empowered:

(1) To apply the revenues allocated to it pursuant to section 50-2025(b)(2), Idaho Code, for payment of the project costs of any urban renewal project located in the revenue allocation area;

(2) To borrow money, incur indebtedness and issue one or more series of bonds to finance or refinance, in whole or in part, the urban renewal projects authorized pursuant to such plan within the limits established by paragraph (3) below; and

(3) To pledge irrevocably to the payment of principal of and interest on such moneys borrowed, indebtedness incurred or bonds issued by the agency the revenues allocated to it pursuant to

section 50-2025(b)(2), Idaho Code, provided that the aggregate principal amount of bonds to which such revenues are pledged shall not exceed $13,000,000.

All bonds issued under this section shall be issued in accordance with section 50-2012, Idaho Code, except that such bonds shall be payable solely from a special fund established hereunder.

(b) Notwithstanding any other provision of chapter 20, title 50, Idaho Code, no moneys shall be borrowed, indebtedness incurred or bonds issued under this section after December 31, 1992; provided, however, that the agency may issue refunding bonds so long as the maturity date of such refunding bonds is not later than the maturity date of the bonds being refunded.

(c) The agency shall be obligated and bound to pay such borrowed moneys, indebtedness and bonds as the same shall become due, but only to the extent that moneys are available in a special fund or funds established under section 50-2025, Idaho Code; and the agency is authorized to maintain an adequate reserve therefor from any moneys deposited in such a special fund or funds.

(d) Nothing in this chapter shall in any way impair any powers an urban renewal agency may have under subsection (a) of section 50-2012, Idaho Code.

(e) Except to the extent of moneys deposited in a special fund or funds under this section and pledged to the payment of the principal of and interest on bonds or other obligations, the agency shall not be liable on any such bonds or other obligations. The bonds issued and other obligations incurred by any agency under this chapter shall not constitute a general obligation or debt of any municipality, the state or any of its political subdivisions. In no event shall such bonds or other obligations give rise to a general obligation or liability of the agency, the municipality, the state or any of its political subdivisions, or give rise to a charge against their general credit or taxing powers, or be payable out of any funds or properties other than the special fund or funds of the agency pledged therefor; and such bonds and other obligations shall so state on their face. Such bonds and other obligations shall not constitute an indebtedness or the pledging of faith and credit within the meaning of any constitutional or statutory debt limitation or restriction.

SECTION 10. That Chapter 20, 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 50-2027, Idaho Code, and to read as follows:

50-2027. LIMITATIONS ON REVIEW OF ADOPTION OR MODIFICATION OF PLAN, AND ISSUANCE OF BONDS. No direct or collateral action attacking or otherwise questioning the validity of any urban renewal plan, project or modification thereto (including one containing a revenue allocation provision), or the adoption or approval of such plan, project or modification, or any of the findings or determinations of the agency or the local governing body in connection with such plan, project or modification, shall be brought prior to the effective date of the ordinance adopting or modifying the plan or after the elapse of

sixty (60) days from and after the effective date of the ordinance adopting or modifying the plan. No direct or collateral action attacking or otherwise questioning the validity of bonds issued pursuant to section 50-2012, Idaho Code, or section 50-2026(a), Idaho Code, shall be brought prior to the effective date of the resolution or ordinance authorizing such bonds or after the elapse of sixty (60) days from and after the effective date of the resolution or ordinance authorizing such bonds.

SECTION 11. That Chapter 20, 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 50-2028, Idaho Code, and to read as follows:

50-2028. TERMINATION OF REVENUE ALLOCATION -- DISPOSITION OF UNEXPENDED MONEYS IN SPECIAL FUND. (a) If an urban renewal agency has not borrowed moneys, incurred indebtedness or issued bonds pursuant to section 50-2026(a), Idaho Code, on or before December 31, 1995, all unexpended moneys contained in any special fund established pursuant to this chapter shall be distributed to the taxing districts in which the revenue allocation area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the revenue allocation area. The allocation of revenues under section 50-2025(b), Idaho Code, shall thereupon cease; and the power granted to the urban renewal agency under section 50-2026(a), Idaho Code, shall thereupon terminate.

(b) If an urban renewal agency has borrowed moneys, incurred indebtedness or issued bonds pursuant to section 50-2026(a), Idaho Code, on or before December 31, 1995:

(1) No expenditures shall be made after December 31, 1995, from any special fund created under this chapter except for the payment of the principal of and interest on such moneys, indebtedness and bonds; and

(2) When the principal of and interest on such moneys, indebtedness and bonds have been paid in full, or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they become due, the allocation of revenues under section 50-2025(b), Idaho Code, shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts pursuant to subsection (a) of this section; and the powers granted to the urban renewal agency under section 50-2026(a), Idaho Code, shall thereupon terminate.

SECTION 12. That Chapter 20, 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 50-2029, Idaho Code, and to read as follows:

50-2029. EFFECT OF REVENUE ALLOCATION ON OTHER TAX CALCULATIONS. (a) For the purposes of sections 63-621 through 63-626, Idaho Code,

during the period when revenue allocation under section 50-2025 is in effect, and solely with respect to any taxing district in which a revenue allocation area is located, the county commissioners shall, in fixing any tax levy, take into consideration the equalized assessed valuation of the taxable property situated in the revenue allocation area as shown in the base assessment roll, section 50-2018(y), Idaho Code, rather than the current equalized assessed value of such taxable property.

(b) For all other purposes, including, without limitation, for purposes of sections 33-802, 33-1002, 63-923 and 63-2220, Idaho Code, reference in the Idaho to the term "market value for assessment purposes" (or any other such similar term) shall mean market value for assessment purposes as defined in section 63-202, Idaho Code.

SECTION 13. That Chapter 20, 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 50-2030, Idaho Code, and to read as follows:

50-2030. URBAN RENEWAL AGENCY TERMINATED. On December 31, 1992, all of the rights, duties, powers and authority of an urban renewal agency in a municipality which has a population exceeding one hundred thousand (100,000) residents shall be terminated and all of the agency's facilities, files and personnel shall be transferred to the municipality. The termination of an urban renewal agency shall not affect any outstanding legal actions, contracts, or obligations of the agency and the municipality shall be substituted for the agency, and, for the purpose of those legal actions, contracts or obligations, shall be considered a continuation of the urban renewal agency and not a new entity. Provided, however, that the agency shall retain those powers necessary to satisfy all indebtedness of the agency.

SECTION 14. That Chapter 20, 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 50-2031, Idaho Code, and to read as follows:

50-2031. SEVERABILITY. The provisions of the Idaho Urban Renewal Law of 1965, as it now exists or may hereafter be amended 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 15. An emergency existing 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, 1987.

Approved April 1, 1987.

CHAPTER 259
(H.B. No. 212)

AN ACT

RELATING TO URBAN RENEWAL AGENCIES; AMENDING SECTION 50-2007, IDAHO CODE, TO PROVIDE AUTHORITY TO ALLOW THE AGENCY TO RENOVATE AND/OR REHABILITATE EXISTING BUILDINGS WITHIN THE PROJECT AREA, TO ALLOW FOR THE CONSTRUCTION OF FOUNDATIONS AND OTHER LIKE STRUCTURAL FORMS, AND TO ALLOW FOR THE LENDING OR INVESTING OF FEDERAL FUNDS; AMENDING SECTION 50-2011, IDAHO CODE, TO PROVIDE AN EXCEPTION TO THE FAIR VALUE FOR THE USE PROVISION WHEN REAL PROPERTY IS DISPOSED OF BY THE AGENCY TO THE COMMUNITY OR OTHER PUBLIC BODY, WHILE ANY REAL PROPERTY SOLD TO NONPROFIT CORPORATIONS REMAINS SUBJECT TO THE FAIR VALUE FOR USE REQUIREMENTS, AND TO PROVIDE THAT ANY PROPERTY ACQUIRED BY AN AGENCY EITHER BE RESOLD WITHIN THREE YEARS OR THAT THE AGENCY PUBLISH IN A NEWSPAPER THE REASONS THE PROPERTY REMAINS UNSOLD AND PLANS FOR DISPOSITION OF THE PROPERTY IF THE PROPERTY REMAINS UNSOLD THREE YEARS AFTER ITS ACQUISITION; AMENDING SECTION 50-2015, IDAHO CODE, TO ALLOW AN AGENCY TO DISPOSE OF REAL PROPERTY TO OTHER PUBLIC BODIES WITH OR WITHOUT CONSIDERATION; AMENDING SECTION 50-2018, IDAHO CODE, TO PROVIDE ADDITIONAL DEFINITIONS; AND AMENDING CHAPTER 20, TITLE 50, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 50-2030, IDAHO CODE, TO PROVIDE SEVERABILITY.

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

SECTION 1. That Section 50-2007, Idaho Code, be, and the same is hereby amended to read as follows:

50-2007. POWERS. Every urban renewal agency shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

(a) to undertake and carry out urban renewal projects and related activities within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act; and to disseminate slum clearance and urban renewal information;

(b) to provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, off-street parking facilities, and public facilities, other buildings or public improvements; and any improvements necessary or incidental to a redevelopment project; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project and

related activities, and to include in any contract let in connection with such a project and related activities, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) within its area of operation, to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain, upon sufficient cause and after a hearing on the matter, an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, renovate, rehabilitate, clear or prepare for redevelopment any such property or buildings; to mortgage, pledge, hypothecate or otherwise encumber or dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this act: Provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict a municipality or other public body exercising powers hereunder in the exercise of such functions with respect to an urban renewal project and related activities, unless the legislature shall specifically so state;

(d) with the approval of the local governing body, (1) prior to approval of an urban renewal plan, or approval of any modifications of the plan, to acquire real property in an urban renewal area, demolish and remove any structures on the property, and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses; and (2) to assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection in the event that the real property is not made part of the urban renewal project;

(e) to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to section 50-2012, Idaho Code, at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled;

(f) to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this act, and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the federal government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this act;

(g) within its area of operation, to make or have made all

surveys and plans necessary to the carrying out of the purposes of this act and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans, which plans may include, but are not limited to: (1) plans for carrying out a program of voluntary compulsory repair and rehabilitation of buildings and improvements, (2) plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income and to apply for, accept and utilize grants of funds from the federal government for such purposes;

(h) to prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations and others) displaced from an urban renewal area, and notwithstanding any statute of this state to make relocation payments to or with respect to such persons for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government; and

(i) to exercise all or any part or combination of powers herein granted;

(j) in addition to its powers under subsection (b) of this section, an agency may construct foundations, platforms, and other like structural forms necessary for the provision or utilization of air rights sites for buildings and to be used for residential, commercial, industrial, and other uses contemplated by the urban renewal plan, and to provide utilities to the development site; and

(k) to lend or invest funds obtained from the federal government for the purposes of this act if allowable under federal laws or regulations.

SECTION 2. That Section 50-2011, Idaho Code, be, and the same is hereby amended to read as follows:

50-2011. DISPOSAL OF PROPERTY IN URBAN RENEWAL AREA. (a) An urban renewal agency may sell, lease, or otherwise transfer real property or any interest therein acquired by it for an urban renewal project, and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this act: Provided, that such sale, lease, other transfer, or retention,

and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the local governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the urban renewal agency may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan except property disposed of by it to the community or any other public body which property must be disposed of pursuant to the provisions of subsection (f) of section 50-2015, Idaho Code, even though such fair value may be less than the cost of acquiring and preparing the property for redevelopment. In determining the fair value of real property for uses in accordance with the urban renewal plan, an urban renewal agency shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the urban renewal agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The urban renewal agency in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the urban renewal agency until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by an urban renewal agency which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the urban renewal agency may determine) may be recorded in the land records of the county in such manner as to afford actual or constructive notice thereof.

(b) An urban renewal agency may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. An urban renewal agency may, by public notice by publication in a newspaper having a general circulation in the community (thirty (30) days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within thirty (30) days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said

notice. The urban renewal agency shall consider all such redevelopment of rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the agency in the urban renewal area. The urban renewal agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this act. The agency may execute such contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.

(c) An urban renewal agency may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this act, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any real property acquired pursuant to section 50-2007(d) may be disposed of without regard to other provisions of this section if the local governing body has consented to the disposal.

(e) Notwithstanding any other provisions of this act, ~~where the municipality is situated in an area designated as a redevelopment area under the Federal Area Redevelopment Act (Public Law 87-27)~~ and notwithstanding subsection (b) of this section, land in an urban renewal project area designated under the urban renewal plan for industrial or commercial uses may be disposed of to any public body or nonprofit corporation for subsequent disposition as promptly as practicable by the public body or corporation for redevelopment in accordance with the urban renewal plan, and only the purchaser from or lessee of the public body or corporation, and their assignees, shall be required to assume the obligation of beginning the building of improvements within a reasonable time~~; provided, that no disposal of land or agreement to dispose of land pursuant to this subsection (e) shall be entered into prior to January 31, 1986~~. Any disposition of land to a ~~public body~~ or nonprofit corporation under this subsection shall be made at its fair value for uses in accordance with the urban renewal plan. Any disposition of land to a public body under this subsection shall be made pursuant to the provisions of subsection (f) of section 50-2015, Idaho Code.

(f) Property previously acquired or acquired by an agency for rehabilitation and resale shall be offered for disposition within three (3) years after completion of rehabilitation, or an annual report shall be published by the agency in a newspaper of general circulation published in the community listing any rehabilitated property held by the agency in excess of such three (3) year period, stating the reasons such property remains unsold and indicating plans for its disposition.

SECTION 3. That Section 50-2015, Idaho Code, be, and the same is hereby amended to read as follows:

50-2015. COOPERATION BY PUBLIC BODIES. (a) For the purpose of

aiding in the planning, undertaking or carrying out of an urban renewal project and related activities authorized by this act, any public body may, upon such terms, with or without consideration, as it may determine: (1) dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or other rights or privileges therein to an urban renewal agency; (2) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section; (3) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan and related activities; (4) grant or contribute funds to an urban renewal agency and borrow money and apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the federal government, the state, county or other public body, or from any other source; (5) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with the federal government, an urban renewal agency or other public body respecting action to be taken pursuant to any of the powers granted by this act, including the furnishing of funds or other assistance in connection with an urban renewal project and related activities; and (6) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways or other places; plan or replan, zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the urban renewal agency. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the urban renewal agency, which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects and related activities (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public body or governmental agency.

(b) Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.

(c) For the purpose of aiding in the planning, undertaking or carrying out of any urban renewal project and related activities of an urban renewal agency, a municipality may (in addition to its other powers and upon such terms, with or without consideration, as it may determine) do and perform any or all of the actions or things which, by the provisions of subsection (a) of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance: Provided, that nothing contained in this section shall be construed as authorizing a municipality to give credit or make loans to an urban renewal agency.

(d) For the purposes of this section, a municipality may (in addition to its other powers):

(1) appropriate such funds and make such expenditures as may be

necessary to carry out the purposes of this act, and levy taxes and assessments for curbs and gutters, streets and sidewalks; zone or rezone any part of the municipality or make exceptions from building regulations; and enter into agreements with an urban renewal agency (which agreements may extend over any period, notwithstanding any provisions or rule of law to the contrary), respecting action to be taken by such municipality pursuant to any of the powers granted by this act:

(2) close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and plan or replan any part of the municipality;

(3) within its area of operation, organize, coordinate and direct the administration of the provisions of this act as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and establish such new office or offices of the municipality or to reorganize existing offices in order to carry out such purpose most effectively; and

(4) assume the responsibility to bear any loss that may arise as the result of the exercise of authority by the urban renewal agency under subsection (d) of section 50-2007, Idaho Code, in the event that the real property is not made a part of the urban renewal project.

(e) For the purposes of this section, or for the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project and related activities of a municipality, such municipality may issue and sell its general obligation bonds. Any bonds issued by a municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this act.

(f) Purchase and buy or otherwise acquire land in a project area from an agency for redevelopment in accordance with the plan, with or without consideration as the agency may determine. Any public body which purchases, buys or otherwise acquires land in a project area from an agency for development pursuant to this subsection shall become obligated to:

(1) use the property for the purpose designated in the redevelopment plans;

(2) begin the redevelopment of the project area within a period of time which the agency fixes as reasonable; and

(3) comply with other conditions which the agency deems necessary to carry out the purposes of this act.

SECTION 4. That Section 50-2018, Idaho Code, be, and the same is hereby amended to read as follows:

50-2018. DEFINITIONS. The following terms wherever used or referred to in this act, shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) "Agency" or "urban renewal agency" shall mean a public agency

created by section 50-2006, Idaho Code.

(b) "Municipality" shall mean any incorporated city or town, or county in the state.

(c) "Public body" shall mean the state or any municipality, township, board, commission, authority, district, or any other subdivision or public body of the state.

(d) "Local governing body" shall mean the council or other legislative body charged with governing the municipality.

(e) "Mayor" shall mean the mayor of a municipality or other officer or body having the duties customarily imposed upon the executive head of a municipality.

(f) "Clerk" shall mean the clerk or other official of the municipality who is the custodian of the official records of such municipality.

(g) "Federal government" shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(h) "Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(i) "Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use: Provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply: And provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area.

(j) "Urban renewal project" may include undertakings and activities of a municipality in an urban renewal area for the elimination of deteriorated or deteriorating areas and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings

and activities may include:

(1) acquisition of a deteriorated area or a deteriorating area or portion thereof;

(2) demolition and removal of buildings and improvements;

(3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, off-street parking facilities, public facilities or buildings and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this act in accordance with the urban renewal plan;

(4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the agency itself) at its fair value for uses in accordance with the urban renewal plan except for disposition of property to another public body;

(5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;

(6) acquisition of real property in the urban renewal area which, under the urban renewal plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property; ~~and~~

(7) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, insanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities;

(8) lending or investing federal funds; and

(9) construction of foundations, platforms and other like structural forms.

(k) "Urban renewal area" means a deteriorated area or a deteriorating area or a combination thereof which the local governing body designates as appropriate for an urban renewal project.

(l) "Urban renewal plan" means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole except as provided in subsection 50-2008(g), Idaho Code; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, and building requirements.

(m) "Related activities" shall mean (1) planning work for the preparation or completion of a community-wide plan or program pursuant to section 50-2009, Idaho Code, and (2) the functions related to the acquisition and disposal of real property pursuant to section 50-2007(d), Idaho Code.

(n) "Real property" shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein, including terms for years

and liens by way of judgment, mortgage or otherwise.

(o) "Bonds" shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(p) "Obligee" shall include any bondholder, agents or trustees for any bondholders, or lessor demising to the municipality property used in connection with urban renewal, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(q) "Person" shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(r) "Area of operation" shall mean the area within the corporate limits of the municipality and the area within five (5) miles of such limits, except that it shall not include any area which lies within the territorial boundaries of another incorporated city or town unless a resolution shall have been adopted by the governing body of such other city or town declaring a need therefor.

(s) "Board" or "commission" shall mean a board, commission, department, division, office, body or other unit of the municipality.

(t) "Public officer" shall mean any officer who is in charge of any department or branch of the government of the municipality relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

SECTION 5. That Chapter 20, Title 50, Idaho Code, be and the same hereby is amended by the addition thereto of a NEW SECTION, to be known and designated as section 50-2030, Idaho Code, and to read as follows:

50-2030. 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 1, 1987.

CHAPTER 260
(H.B. No. 264)

AN ACT

RELATING TO TECHNICAL CHANGES TO THE SYSTEM OF ACCOUNTING FOR THE STATE'S REVENUE; AMENDING SECTION 14-425, IDAHO CODE, TO PROVIDE CLARIFICATION OF THE ACCOUNTING AND DISTRIBUTION OF REVENUES RECEIVED UNDER THE TRANSFER AND INHERITANCE TAX ACT; AMENDING SECTION 23-1008, IDAHO CODE, TO CORRECT THE AMOUNT OF DISTRIBUTION TO THE ALCOHOLISM DISTRIBUTION ACCOUNT TO CONFORM TO PREVIOUS

LEGISLATIVE INTENT; AMENDING SECTION 63-2702, IDAHO CODE, TO PROVIDE A MEANS FOR PAYING REFUNDS OF KILOWATT HOUR TAX; AMENDING CHAPTER 27, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-2702A, IDAHO CODE, TO PROVIDE FOR THE REFUND OF OVERPAYMENTS OF KILOWATT HOUR TAXES; AMENDING SECTION 63-3067, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 7, FIRST REGULAR SESSION, FORTY-NINTH IDAHO LEGISLATURE, TO PROVIDE FOR THE IDAHO AG IN THE CLASSROOM ACCOUNT; AMENDING SECTION 63-3067B, IDAHO CODE, TO PROVIDE THAT AMOUNTS WITHHELD FROM THE AG IN THE CLASSROOM CHECKOFF TO PAY FOR THE COSTS OF ADMINISTRATION SHALL NOT EXCEED THE AMOUNTS APPROPRIATED FOR THAT PURPOSE; AMENDING SECTION 63-3067D, IDAHO CODE, TO ADJUST THE DATE ON WHICH THE INCOME TAX CHECKOFF OF DONATIONS TO THE CHILDREN'S TRUST ACCOUNT SHALL SUNSET; AMENDING SECTION 63-3638A, IDAHO CODE, TO CORRECT A CROSS-REFERENCE; APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL ACCOUNT TO THE ALCOHOLISM TREATMENT ACCOUNT; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE FOR SECTIONS 2 AND 9 OF THE ACT.

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

SECTION 1. That Section 14-425, Idaho Code, be, and the same is hereby amended to read as follows:

14-425. STATE TAX COMMISSION TO COLLECT TAXES. The state tax commission shall collect all taxes and moneys that may be due under this act, and remit such moneys to the state treasurer. Such moneys shall be distributed as follows:

(a) Ten percent (10%) of such moneys shall be 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, and shall be credited to the county current expense fund.

(b) 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~~c) The balance remaining after distributing the amounts in subsections (a)and (b) 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.~~ distributed to the resource conservation and rangeland development loan account created in section 22-2730, Idaho Code; and

~~(2) Eighty-percent-(80%)-of-such-moneys~~ The remainder shall be ~~transferred~~ distributed to the ~~credit-of-the~~ water pollution control account of the state.

~~(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.~~

SECTION 2. That Section 23-1008, Idaho Code, be, and the same is hereby amended to read as follows:

23-1008. TAX -- DISTRIBUTION -- RULES -- REPORTS. (1) A tax of four dollars and sixty-five cents ($ 4.65) per barrel of thirty-one (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.

Any wholesaler who shall sell beer, upon which the tax herein imposed has not been paid and any person who shall purchase, receive, transport, store or sell any beer upon which the tax herein imposed has not been paid, 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 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.

(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~~ Twenty percent (~~30~~20%) shall be distributed to the alcoholism treatment account;

(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 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 paragraph (a) of this subsection.

SECTION 3. That Section 63-2702, Idaho Code, be, and the same is hereby amended to read as follows:

63-2702. PAYMENT OF TAX -- DISTRIBUTION OF REVENUE -- INTEREST ON DELINQUENCIES. (1) Said license tax shall be remitted with the statement required under section 63-2701, Idaho Code, and paid to the state tax commission, which shall distribute all moneys ~~collected under this section to the general account.~~ as follows:

(2) An amount of money shall be distributed to the state refund account sufficient to pay current refund claims. All refunds authorized by the state tax 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 this chapter, 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 state tax commission under the provisions of this chapter.

(3) The balance shall be distributed to the general account.

(4) 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 4. That Chapter 27, 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 63-2702A, Idaho Code, and to read as follows:

63-2702A. REFUNDS -- LIMITATIONS -- INTEREST. (1) If the tax commission determines that any amount due under this act has been paid more than once or has been erroneously or illegally collected or com-

puted, the tax commission shall set forth that fact in its records and the excess amount paid or collected may be credited on any amount then due and payable to the tax commission from that person and any balance refunded to the person by whom it was paid or to his successors, administrators or executors. The tax commission is authorized and the state board of tax appeals authorized to order the tax commission in proper cases to credit or refund such amounts whether or not such payments have been paid under protest and certify such refund to the state board of examiners.

(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 of such period a claim therefor is filed by the taxpayer.

(3) Interest shall be allowed on the amount of such credits or refunds at the rate provided in section 63-3045, Idaho Code, from the date such tax was paid.

SECTION 5. That Section 63-3067, Idaho Code, as amended by House Bill No. 7, First Regular Session, Forty-ninth Idaho Legislature, 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, for the purpose of depositing in the fish and game trust account, such amounts as may be designated by individuals receiving refunds for such overpayment, for the purpose of depositing in the United States olympic account ~~created by section 63-3067E, 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 for the purpose of depositing in the Idaho ag in the classroom account an amount as may be designated by the individual receiving a refund 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. 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 appropriated out of the state refund account so much thereof as may be necessary for the payment of the refunds herein provided. 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 6. That Section 63-3067B, Idaho Code, be, and the same is hereby amended 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~~ distribute 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~~ distribution of moneys 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. 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 Idaho ag in the classroom donations by the commission at the end of the fiscal year, shall be distributed to the Idaho ag in the classroom account.

SECTION 7. 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~~ distribute 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~~ distribution 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) Effective on the first day of the calendar year commencing immediately a~~A~~fter 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 8. That Section 63-3638A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3638A. SALES TAX ON LIQUOR TO BE PAID TO LIQUOR ACCOUNT. Notwithstanding the provisions of section 63-3638~~(b)~~, Idaho Code, the sales tax collected on the retail sale of liquor by the superintendent of the state liquor dispensary shall be credited directly to the liquor account, and shall not be or become a part of the sales tax account.

SECTION 9. There is hereby appropriated from the Water Pollution Control Account $193,800 to the Alcoholism Treatment Account. The provisions of this appropriation specifically supersede the provisions of Section 39-3606, Idaho Code.

SECTION 10. An emergency existing therefor, which emergency is hereby declared to exist, Sections 2 and 9 of this act shall be in full force and effect on and after passage and approval, and retroactively to July 1, 1986.

Approved April 1, 1987.

CHAPTER 261
(H.B. No. 268)

AN ACT

RELATING TO PENALTIES FOR VIOLATION OF THE STATE'S FISH AND GAME LAWS; AMENDING SECTION 36-1402, IDAHO CODE, TO PROVIDE FOR MANDATORY LICENSE REVOCATION FOR PERSONS CONVICTED OF KILLING A GAME ANIMAL WITH A FIREARM DURING ARCHERY ONLY SEASON, AND TO PROVIDE THAT THE TERM CONVICTION SHALL INCLUDE A WITHHELD JUDGMENT.

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

SECTION 1. That Section 36-1402, Idaho Code, be, and the same is hereby amended to read as follows:

36-1402. PENALTY -- MISDEMEANOR -- FELONY -- REVOCATION OF LICENSE -- DISPOSITION OF MONEYS. (a) Misdemeanor Penalty. Any person convicted of a misdemeanor under the provisions of this title or regulations promulgated pursuant thereto shall, except in cases where a higher penalty is prescribed, be fined in a sum of not less than twenty-five dollars ($25.00) nor more than one thousand dollars ($1,000) and/or by commitment to jail for not more than six (6) months. The minimum and maximum fine, per animal, fish or bird, for the illegal taking, illegal possession or the illegal waste of the following animals, fish or birds shall be as indicated below:

Animal, Fish or Bird	Minimum Fine	Maximum Fine
Bighorn sheep, mountain goat and moose	$500	$1,000
Elk	$300	$1,000
Deer and pronghorn antelope	$200	$ 500
Wild turkey, whistling swan and sturgeon	$200	$ 500
Chinook salmon	$100	$ 500

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

(c) License Revocation. Any person convicted of violating any of the provisions of this title may, in addition to any other penalty assessed by the court, have his hunting, fishing, or trapping privileges revoked for such period of time as may be determined by the court not to exceed three (3) years, said period beginning on the date of conviction. Provided further, that the magistrate hearing the case shall forthwith revoke the hunting, fishing, or trapping privileges for a period of not less than one (1) year from the date of such conviction, of any person who is convicted of any of the following offenses:

1. Taking upland game birds, migratory waterfowl, salmon, steelhead, or any big game animal during closed season.
2. Exceeding the daily bag or possession limit of upland game birds, migratory waterfowl or big game animals.
3. Taking any fish by unlawful methods as set forth in section 36-902(a) or (c), Idaho Code.
4. Unlawfully purchasing, possessing or using any license, tag or

permit as set forth in section 36-405(c), Idaho Code.

5. Trespassing in violation of warning signs as set forth in section 36-1603, Idaho Code.

6. The unlawful sale or purchase of wildlife as set forth in section 36-501, Idaho Code.

7. Taking any game animal with a firearm during an archery only season.

The revocation shall consist of cancellation of an existing license for the required length of time and/or denial of the privilege of purchasing an applicable license for the length of time required to meet the revocation period decreed. In the case of persons convicted or found guilty of committing multiple offenses, the revocation periods may run consecutively. In the case of convictions or findings of guilt involving taking big game animals during closed season or exceeding the daily bag or possession limit of big game, the magistrate hearing the case shall revoke the hunting, fishing or trapping privileges of any person convicted or found guilty of those offenses for a period of not less than one (1) year for each big game animal illegally taken or possessed by the person convicted or found guilty.

It shall be a misdemeanor for any person to hunt, fish, or trap or purchase a license to do so during the period of time for which such privilege is revoked by order of any court of this state. Any person convicted thereof shall be fined in an amount of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) or by commitment to jail for not more than six (6) months or by both such fine and commitment. Provided further, that the period of revocation of such privileges shall be extended an additional amount of time equal to the original revocation.

For the purpose of this ~~section~~ title, the term "conviction" shall mean either a withheld judgment or a final conviction.

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

Approved April 1, 1987.

CHAPTER 262
(H.B. No. 302)

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-501, IDAHO CODE, TO PROVIDE A PETITION PROCEDURE TO CREATE A QUALIFIED POLITICAL PARTY; AMENDING SECTION 34-708A, IDAHO CODE, TO PROVIDE A FILING DATE FOR INDEPENDENT CANDIDATES FOR THE OFFICES OF PRESIDENT AND VICE-PRESIDENT.

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

SECTION 1. That Section 34-501, Idaho Code, be, and the same is hereby amended to read as follows:

34-501. "POLITICAL PARTY" DEFINED -- PROCEDURES FOR CREATION OF A POLITICAL PARTY. (1) A "political party" within the meaning of this act, is an organization of electors under a given name. A political party shall be deemed created and qualified to participate in elections in any of the following three (3) ways:

(a) By having three (3) or more candidates for state or national office listed under the party name at the last general election, provided that those individuals seeking the office of president, vice president and president elector shall be considered one candidate, or

(b) By polling at the last general election for any one of its candidates for state or national office at least three per cent (3%) of the aggregate vote cast for governor or for presidential electors.

(c) By an affiliation of electors who shall have signed a petition which shall:

(A) State the name of the proposed party in not more than six (6) words;

(B) State that the subscribers thereto ~~have affiliated, one with another, for the purpose of forming such party;~~

~~(C) State that the subscribers thereto are entitled to participate in the proposed party's convention to elect officers and nominate candidates~~ desire to place the proposed party on the ballot;

~~(D)~~(C) Have attached thereto a sheet or sheets containing the signatures of at least a number of qualified electors equal to two per cent (2%) of the aggregate vote cast for presidential electors in the state at the previous general election at which presidential electors were chosen;

~~(E)~~(D) Be filed with the secretary of state on or before August 30 of even numbered years;

~~(F)~~(E) The format of the signature petition sheets shall be prescribed by the secretary of state and shall be patterned after, but not limited to, such sheets as used for state initiative and referendum measures;

~~(G)~~(F) The petitions and signatures so submitted shall be verified in the manner prescribed in section 34-1807, Idaho Code.

~~(H)~~(G) The petition shall be circulated no earlier than August 30 of the year preceding the general election.

(2) Upon certification by the secretary of state that the petition has met the requirements of this act such party shall, under the party name chosen, have all the rights of a political party whose ticket shall have been on the ballot at the preceding general election.

The newly certified party shall proceed to hold a state convention in the manner provided by law; provided, that at the initial convention of any such political party, all members of the party shall be entitled to attend the convention and participate in the election of officers and the nominations of candidates. Thereafter the conduct of any subsequent convention shall be as provided by law.

SECTION 2. That Section 34-708A, Idaho Code, be, and the same is hereby amended to read as follows:

34-708A. INDEPENDENT CANDIDATES FOR PRESIDENT AND VICE-PRESIDENT. Persons who desire to be independent candidates for the offices of president and vice-president, must file, prior to ~~June~~ August 25 of the election year, declarations of candidacy as independent candidates. Such declarations must state that such persons are offering themselves as independent candidates and must declare that they have no political party affiliation. The declarations shall have attached thereto a petition signed by a number of qualified electors not less than one percent (1%) of the number of votes cast in this state for presidential electors at the previous general election at which a president of the United States was elected.

The candidates for president and vice-president shall be considered as candidates for one (1) office, and only one (1) such petition need be filed for both offices.

Approved April 1, 1987.

CHAPTER 263
(H.B. No. 310)

AN ACT

RELATING TO ATTORNEY'S FEES IN CIVIL ACTIONS; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 12-121, IDAHO CODE, TO DEFINE THE TERM PARTY OR PARTIES.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the legislature of the state of Idaho that this act grant prevailing litigants in civil actions the right to be made whole for attorney's fees and costs when justice so requires.

SECTION 2. That Section 12-121, Idaho Code, be, and the same is hereby amended to read as follows:

12-121. ATTORNEY'S FEES. In any civil action, the judge may award reasonable attorney's fees to the prevailing party or parties, provided that this section shall not alter, repeal or amend any statute which otherwise provides for the award of attorney's fees. The term "party" or "parties" is defined to include any person, partnership, corporation, association, private organization, the state of Idaho or political subdivision thereof.

Approved April 1, 1987.

CHAPTER 264
(H.B. No. 316)

AN ACT

RELATING TO JUNIOR COLLEGE DISTRICTS; AMENDING SECTION 33-2113, IDAHO CODE, TO PROVIDE JUNIOR COLLEGES THE AUTHORITY TO ISSUE REVENUE BONDS.

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

SECTION 1. That Section 33-2113, Idaho Code, be, and the same is hereby amended to read as follows:

33-2113. CAPITAL FUNDS. (1) The board of trustees of each junior college district may issue general obligation bonds in the manner and form, and for the same purposes, as prescribed for public school districts, the maximum amount of general obligation bonds outstanding, computed in the manner so prescribed shall not at any time exceed one per cent (1%) of the market value for assessment purposes of the taxable property in the district. The board may also create a plant facilities reserve fund in the manner, and for the same purposes, as prescribed for school districts.

(2) Tax levies for the purposes of this section shall be certified to the board of county commissioners at the same time as are certified the tax levies provided in section 33-2111, Idaho Code.

(3) The board of trustees of each junior or community college district may issue bonds in the same manner and form, and for the same purposes as state institutions of higher education pursuant to chapter 38, title 33, Idaho Code.

Approved April 1, 1987.

CHAPTER 265
(H.B. No. 338)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR COMMUNITY COLLEGE SUPPORT FOR FISCAL YEAR 1988.

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

SECTION 1. There is hereby appropriated to the State Board of Education for community college support the following amount, from the listed account to be expended for the period July 1, 1987, through June 30, 1988:

FROM:

General Account $5,855,300

Approved April 1, 1987.

CHAPTER 266
(H.B. No. 339)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 1988 AND DESIGNATING PROGRAM LIMITS; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF CORRECTION; AND REPEALING SECTION 2, CHAPTER 187, LAWS OF 1984, TO ELIMINATE THE SUNSET PROVISION OF THE PROGRAM PROVIDING FOR PAYMENT FOR PROBATION AND PAROLE SERVICES.

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, 1987, through June 30, 1988:

FROM:	
General Account	$16,974,300
Interagency Billing and Receipts Account	243,200
Probation and Parole Receipts Account	485,000
Penitentiary Income Account	805,000
Job Training Partnership Account	271,900
On The Job Training Account	88,400
Cost of Supervision Grant	35,400
TOTAL	$18,903,200

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, 1987, through June 30, 1988.

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION:					
FROM:					
General Account	$ 973,800	$ 453,100	$ 69,300	$273,800	$ 1,770,000
Probation and Parole Receipts Account	16,300	6,200			22,500
TOTAL	$ 990,100	$ 459,300	$ 69,300	$273,800	$ 1,792,500
B. IDAHO STATE CORRECTIONAL INSTITUTION:					
FROM:					
General Account	$ 5,842,600	$1,496,100	$148,000		$ 7,486,700
Penitentiary Income Account		805,000			805,000
Interagency Billing and Receipts Account	45,400	77,900			123,300
TOTAL	$ 5,888,000	$2,379,000	$148,000		$ 8,415,000

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
C. IDAHO CORRECTIONAL INSTITUTION - OROFINO:					
FROM:					
General Account	$ 1,113,400	$ 374,200	$ 55,100	$ 20,400	$ 1,563,1
D. NORTH IDAHO CORRECTIONAL INSTITUTION:					
FROM:					
General Account	$ 685,700	$ 468,800	$ 23,600		$ 1,178,1
E. FIELD AND COMMUNITY SERVICES:					
FROM:					
General Account	$ 2,407,400	$ 487,200	$ 61,300		$ 2,955,9
Probation and Parole Receipts Account	409,900	51,100	1,500		462,5
Interagency Billing and Receipts Account		119,900			119,9
Job Training Partnership Account	18,300	7,300			25,6
Cost of Supervision Grant	31,600	3,800			35,4
TOTAL	$ 2,867,200	$ 669,300	$ 62,800		$ 3,599,3
F. MEDICAL:					
FROM:					
General Account	$ 681,800	$ 854,700	$ 2,800		$ 1,539,3
G. PAROLE COMMISSION:					
FROM:					
General Account	$ 89,800	$ 19,300			$ 109,1
H. EDUCATION:					
FROM:					
General Account	$ 320,700	$ 47,400	$ 4,000		$ 372,1
Job Training Partnership Account	206,400	39,900			246,3
On The Job Training Account	61,900	26,500			88,4
TOTAL	$ 589,000	$ 113,800	$ 4,000		$ 706,8
GRAND TOTAL	$12,905,000	$5,338,400	$365,600	$294,200	$18,903,2

SECTION 3. There is hereby reappropriated to the Department of Correction, any unexpended and unencumbered balances of the General Account moneys appropriated by Section 2, Chapter 250, Laws of 1986, to be used for nonrecurring expenditures only, for fiscal year 1988.

SECTION 4. That Section 2, Chapter 187, Laws of 1984, be, and the same is hereby repealed.

Approved April 1, 1987.

CHAPTER 267
(H.B. No. 340)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO EDUCATIONAL PUBLIC BROADCASTING SYSTEM FOR FISCAL YEAR 1988; AND APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR A "BROADCASTING EQUIPMENT CHALLENGE GRANT" AND EXPRESSING LEGISLATIVE INTENT.

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, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
General Account	$ 488,800	$152,400	$37,200	$ 678,400
Corporation for Public Broadcasting	558,200	468,300		1,026,500
TOTAL	$1,047,000	$620,700	$37,200	1,704,900

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, 1987, through June 30, 1988. This appropriation shall be administered by the State Board of Education as a "Broadcasting Equipment Challenge Grant" for the Idaho Educational Public Broadcasting System. The purpose of the appropriation is to secure private donations in an effort to match federal funds for broadcasting equipment through the Corporation for Public Broadcasting, and is contingent upon adherence to the legislative intent set forth in this section.

It is legislative intent that the cash receipts accruing to the Idaho Educational Public Broadcasting System's Capital Campaign Fund for the period July 1, 1987, through June 30, 1988, will be used to equally match this appropriation on a dollar-for-dollar basis. The Idaho Educational Public Broadcasting System may request quarterly allotments of the General Account as may be matched by cash receipts, not to exceed the maximum amount provided herein.

Approved April 1, 1987.

CHAPTER 268
(H..B. No. 345)

AN ACT

EXPRESSING LEGISLATIVE INTENT; TRANSFERRING FUNDS TO THE TAX COMMISSION ADMINISTRATION ACCOUNT; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 1988, AND DESIGNATING PROGRAM LIMITS; AND APPROPRIATING MONEYS TO THE BOARD OF TAX APPEALS FOR FISCAL YEAR 1988.

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, 1987, through June 30, 1988:

FROM:	
General Account	$11,481,000
Tax Commission Administration Account	61,300
Highway Suspense Account	1,023,200
Multi-State Tax Compact Account	90,800
Interagency Billing and Receipts Account	57,500
Unclaimed Property Account	159,400
TOTAL	$12,873,200

SECTION 2. There is hereby appropriated from the listed accounts the following amounts to be transferred to the Tax Commission Administration Account:

1.	Idaho Ag in the Classroom Account	$ 5,300
2.	Idaho Travel and Convention Account	23,300
3.	Hotel and Motel Tax Suspense Account	6,700
4.	United States Olympic Account	11,200
5.	Drug Enforcement Account	3,100
6.	Children's Trust Account	5,700
7.	Fish and Game Suspense Account	6,000
	TOTAL	$ 61,300

SECTION 3. There is hereby appropriated to the State Tax Commission the following amounts, to be expended for the designated programs according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
A. GENERAL SERVICES:				
FROM:				
General Account	$1,362,500	$667,900	$141,800	$ 2,172,200
Highway Suspense Account	134,200	61,900	9,300	205,400

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
Interagency Billing and Receipts Account		14,700		14,700
Tax Commission Administration Account		32,000		32,000
TOTAL	$1,496,700	$776,500	$151,100	$ 2,424,300
B. REVENUE OPERATIONS:				
FROM:				
General Account	$1,436,000	$724,700	$ 80,000	$ 2,240,700
Interagency Billing and Receipts Account		4,700		4,700
Highway Suspense Account	133,700	201,600	7,500	342,800
Tax Commission Administration Account		27,300		27,300
TOTAL	$1,569,700	$958,300	$ 87,500	$ 2,615,500
C. AUDIT AND COLLECTIONS:				
FROM:				
General Account				$ 5,472,300
Highway Suspense Account				475,000
Tax Commission Administration Account				2,000
Unclaimed Property Account				159,400
Multi-State Tax Compact Account				90,800
TOTAL				$ 6,199,500
D. COUNTY SUPPORT:				
FROM:				
General Account				$ 1,595,800
Interagency Billing and Receipts Account				38,100
TOTAL				$ 1,633,900
GRAND TOTAL				$12,873,200

SECTION 4. There is hereby appropriated to the Board of Tax Appeals the following amount from the listed account for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Account	$36,700	$13,400	$50,100

Approved April 1, 1987.

CHAPTER 269
(H.B. No. 346)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE AGRICULTURAL RESEARCH/COOPERATIVE EXTENSION SERVICE FOR FISCAL YEAR 1988; 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 for the Agricultural Research/Cooperative Extension Service Program the following amount from the listed accounts for the designated expense classes, for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$ 9,671,200	$1,469,700	$344,700	$11,485,600
Hatch Account	1,079,000	172,600	39,500	1,291,100
Regional Research Account	430,000	34,300	67,400	531,700
Farm Safety Account		20,000		20,000
Smith-Lever Account	1,852,000	281,800	2,000	2,135,800
Interagency Billing and Receipts Account	179,400			179,400
TOTAL	$13,211,600	$1,978,400	$453,600	$15,643,600

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 259, Laws of 1986, to be used for nonrecurring expenditures only, for fiscal year 1988.

Approved April 1, 1987.

CHAPTER 270
(H.B. No. 350)

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 1988 AND 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, 1987, through June 30, 1988:

General Account	$ 845,900
Paul L. Fowler Scholarship Account	10,600
Interagency Billing and Receipts Account	95,100
State Student Incentive Grant Account	253,100
TOTAL	$1,204,700

SECTION 2. There is hereby appropriated to the State Board of Education for the Office of the State Board of Education the following amounts to be expended for the designated programs according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

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	$ 35,900			$ 53,400
B. GENERAL ADMINISTRATION:					
General Account	$440,300	$ 81,300	$4,300		$ 525,900
C. SCHOLARSHIPS AND GRANTS:					
General Account				$266,600	$ 266,600
Paul L. Fowler Scholarship Account		$ 800		9,800	10,600
Interagency Billing and Receipts Account				95,100	95,100
State Student Incentive Grant Account				253,100	253,100
TOTAL		$ 800		$624,600	$ 625,400
GRAND TOTAL	$457,800	$118,000	$4,300	$624,600	$1,204,700

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 2, Chapter 251, Laws of 1986, to be used for nonrecurring expenditures only, for fiscal year 1988.

Approved April 1, 1987.

CHAPTER 271
(H.B. No. 351)

AN ACT

APPROPRIATING MONEYS TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO, FOR THE WAMI MEDICAL EDUCATION PROGRAM FOR FISCAL YEAR 1988; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE BOARD OF REGENTS OF THE UNIVERSITY OF IDAHO FOR 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 amount, to be expended according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Account	$249,900	$45,900	$ 3,400	$1,550,800	$1,850,000
Interagency Billing and Receipts Account	64,900	3,000	7,300	124,500	199,700
TOTAL	$314,800	$48,900	$10,700	$1,675,300	$2,049,700

SECTION 2. There is hereby reappropriated to the Board of Regents of the University of Idaho for the WAMI Medical Education Program any unexpended and unencumbered balance of the General Account moneys appropriated by Section 1, Chapter 258, Laws of 1986, for the period of July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved April 1, 1987.

CHAPTER 272
(H.B. No. 352)

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 FISCAL YEAR 1988 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 amount for the designated programs from the listed accounts for the period July 1, 1987, through June 30, 1988:

FOR:	
Instruction	$1,268,300
Research	120,300
TOTAL	$1,388,600
FROM:	
General Account	$ 928,100
Interagency Billing and Receipts Account	460,500
TOTAL	$1,388,600

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. INSTRUCTION:				
FROM:				
General Account	$ 798,000	$ 48,000		$ 846,000
Interagency Billing and Receipts Account	208,800	198,300	$15,200	422,300
TOTAL	$1,006,800	$246,300	$15,200	$1,268,300
II. RESEARCH:				
FROM:				
General Account	$ 79,500	$ 2,600		$ 82,100
Interagency Billing and Receipts Account	36,200	2,000		38,200
TOTAL	$ 115,700	$ 4,600		$ 120,300
GRAND TOTAL	$1,122,500	$250,900	$15,200	$1,388,600

Approved April 1, 1987.

CHAPTER 273
(S.B. No. 1074)

AN ACT

RELATING TO SCHOOL DISTRICT SUPPLEMENTAL LEVIES; AMENDING SECTION 33-802, IDAHO CODE, TO PROVIDE THAT SUPPLEMENTAL LEVIES MAY BE APPROVED FOR A PERIOD NOT TO EXCEED TWO YEARS, AND THAT THE AMOUNT OF A LEVY APPROVED FOR TWO YEARS MAY BE REDUCED BY A MAJORITY VOTE OF THE BOARD OF TRUSTEES.

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

SECTION 1. That Section 33-802, Idaho Code, be, and the same is hereby amended to read as follows:

33-802. GENERAL SCHOOL LEVIES. Any tax levied for school purposes shall be a lien on the property against which the tax is levied. The board of trustees shall determine the levies upon each dollar of taxable property in the district for the ensuing fiscal year as follows:

1. Such levies as shall be required to satisfy all maturing bond, bond interest, and judgment obligations, which levies shall be exempt from the limitation imposed by section 63-923(1), Idaho Code.

2. Such levies, not exceeding the greater of:

(a) An amount equal to four-tenths of one percent (.4%) applied to the adjusted market value for assessment purposes of the district for the previous year, but allowances necessary as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, shall not be included in such four-tenths of one percent (.4%), or

(b) Four-tenths of one percent (.4%) applied to the actual market value for assessment purposes of the district for the previous year, but allowances necessary as a credit for prepaid taxes, as provided in section 63-1607, Idaho Code, shall not be included in such four-tenths of one percent (.4%), as shall be necessary to pay all other lawful expense of maintaining and operating the schools of the district and for the payment of tuition and transportation.

3. No levy in excess of the levy permitted by paragraph 2 shall be made for the purposes of paragraph 2 of this section by a noncharter school district unless such a supplemental levy in a specified amount and for a specified time not to exceed two (2) years be first authorized through an election held pursuant to sections 33-401--33-406, Idaho Code, and approved by a majority of the district electors voting in such election, which supplemental levy shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220, Idaho Code. A levy approved pursuant to this subsection for more than one (1) year may be reduced by a majority vote of the board of trustees in the second year.

4. The privilege of a charter notwithstanding, all charter districts shall limit the ad valorem portion of the budget request for operating purposes to the limitation required by section 63-2220,

Idaho Code, unless levies pursuant to the respective charter of any such charter district are first authorized through an election held pursuant to sections 33-401--33-406, Idaho Code, and approved by a majority of the district electors voting in such election. If so authorized, and if not in conflict with any provision of its charter, all levies made thereafter by such charter district in excess of the levies authorized in paragraph 2 of this section shall be exempt from the limitation imposed by section 63-923(1), Idaho Code, and from the provisions of section 63-2220, Idaho Code.

5. All noncharter school districts shall limit the budget request for operating purposes to the limitation required by section 63-2220, Idaho Code, subject to the provisions of paragraph 3 of this section.

Approved April 1, 1987.

CHAPTER 274
(S.B. No. 1142, As Amended)

AN ACT

RELATING TO CRIMES AND PUNISHMENTS; AMENDING CHAPTER 70, TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-7036, IDAHO CODE, TO PROHIBIT GRAFFITI, TO DEFINE GRAFFITI, AND TO PROVIDE PUNISHMENT.

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

SECTION 1. That Chapter 70, 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 18-7036, Idaho Code, and to read as follows:

18-7036. INJURY BY GRAFFITI. No person shall purposely or knowingly vandalize, deface or otherwise damage the property of another by painting, writing, drawing, or otherwise inscribing thereon in any fashion that which is commonly known as graffiti. Graffiti includes any form of painting, writing, or inscription regardless of the content or the nature of the materials used which is applied to any public or private surface without the consent of the owner of the property. Every person who is convicted of a violation of the provisions of this section is guilty of a misdemeanor.

Approved April 1, 1987.

CHAPTER 275
(S.B. No. 1176)

AN ACT

RELATING TO MALICIOUS HARASSMENT; AMENDING SECTION 18-7903, IDAHO CODE, TO ESTABLISH A CIVIL CAUSE OF ACTION FOR MALICIOUS HARASSMENT.

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

SECTION 1. That Section 18-7903, Idaho Code, be, and the same is hereby amended to read as follows:

18-7903. PENALTIES -- CRIMINAL AND CIVIL. (a) Malicious harassment is punishable by imprisonment in the state prison for a period not to exceed five (5) years or by fine not exceeding five thousand dollars ($5,000) or by both.

(b) In addition to the criminal penalty provided in subsection (a) of this section, there is hereby created a civil cause of action for malicious harassment. A person may be liable to the victim of malicious harassment for both special and general damages, including but not limited to damages for emotional distress, reasonable attorney fees and costs, and punitive damages.

(c) The penalties provided in this section for malicious harassment do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

Approved April 1, 1987.

CHAPTER 276
(S.B. No. 1197)

AN ACT

RELATING TO THE URBAN RENEWAL LAW; AMENDING SECTION 50-2006, IDAHO CODE, TO PROVIDE THAT THE MINIMUM NUMBER OF COMMISSIONERS OF AN URBAN RENEWAL AGENCY SHALL BE NOT LESS THAN THREE, AND TO STRIKE REFERENCE TO RESTRICTIONS ON ELIGIBILITY FOR APPOINTMENT AS A COMMISSIONER.

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~~ three (~~5~~3) 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 shall serve for terms not to exceed five (5) years, from the date of appointment, 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 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 may appoint a chairman, 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, 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.

Approved April 1, 1987.

CHAPTER 277
(S.B. No. 1206)

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE STATE INSURANCE FUND, FOR FISCAL YEAR 1988.

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

SECTION 1. There is hereby appropriated to the Office of the Governor for the State Insurance Fund the following amount, to be expended according to designated expense classes from the listed account, for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$1,779,300
Operating Expenditures	520,100
Capital Outlay	165,600
TOTAL	$2,465,000
FROM:	
State Insurance Fund Account	$2,465,000

Approved April 1, 1987.

CHAPTER 278
(S.B. No. 1223)

AN ACT

RELATING TO TORT LIABILITY LAWS; AMENDING TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 6, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR PERIODIC PAYMENT OF JUDGMENTS, TO LIMIT THE RECOVERY OF NONECONOMIC DAMAGES, TO REQUIRE PROOF OF GROUNDS FOR PUNITIVE DAMAGES BY A PREPONDERANCE OF THE EVIDENCE AND TO PROVIDE FOR AMENDMENTS TO COMPLAINTS FOR PUNITIVE DAMAGE CLAIMS, TO PROVIDE LIMITATIONS ON THE LIABILITY OF OFFICERS AND DIRECTORS OF CHARITABLE CORPORATIONS AND CHARITABLE ORGANIZATIONS; AMENDING SECTION 6-801, IDAHO CODE, TO PROVIDE FOR COMPARATIVE RESPONSIBILITY; AMENDING SECTION 6-802, IDAHO CODE, TO PROVIDE FOR COMPARATIVE RESPONSIBILITY; AMENDING SECTIONS 6-803 AND 6-804, IDAHO CODE, TO PROVIDE A LIMITED FORM OF JOINT AND SEVERAL LIABILITY; AMENDING CHAPTER 8, TITLE 6, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 6-807, IDAHO CODE, TO ALLOW THE TRIAL JUDGE TO INCREASE OR REDUCE AN AWARD OF DAMAGES IF SUCH AN AWARD IS UNSUPPORTED BY THE EVIDENCE, OR IS INCONSISTENT WITH AWARDS IN SIMILAR CASES, OR IS UNREASONABLE, OR IS A PRODUCT OF A LEGAL ERROR OR MISTAKE DURING THE PRESENTATION OF THE EVIDENCE OR THE SUBMISSION OF THE CASE TO THE TRIER OF FACT, OR IS A PRODUCT OF PASSION OR PREJUDICE, TO PROVIDE THAT THE COURT MUST MAKE DETAILED FINDINGS AND CONCLUSIONS IN SUPPORT OF AN INCREASE OR DECREASE; AMENDING SECTION 28-22-104, IDAHO CODE, TO PROVIDE A LEGAL RATE OF INTEREST ON JUDGMENTS; AMENDING CHAPTER 1, TITLE 12, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 12-123, IDAHO CODE, TO PROVIDE DEFINITIONS, TO PROVIDE THAT THE COURT MAY AWARD ATTORNEY'S FEES IN FRIVOLOUS ACTIONS TO ANY PARTY ADVERSELY AFFECTED, TO REQUIRE THE COURT TO HOLD A HEARING, TO PROVIDE A LIMITATION OF THE AMOUNT OF ATTORNEY'S FEES AWARDED, TO PROVIDE AN AWARD OF ATTORNEY'S FEES MAY BE MADE AGAINST A PARTY, HIS COUNSEL, OR BOTH, TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT AFFECT THE COMPUTATION OF ATTORNEY'S FEES BETWEEN AN ATTORNEY AND THE ATTORNEY'S CLIENT, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION DO NOT AFFECT OR LIMIT THE APPLICATION OF ANY CIVIL RULE OR ANOTHER SECTION OF THE IDAHO CODE WHICH PROHIBITS OR AUTHORIZES AN AWARD OF ATTORNEY'S FEES; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-335, IDAHO CODE, TO PROVIDE THAT A CLAIM FOR RELIEF CONTAIN JURISDICTIONAL STATEMENT, THE THEORIES UPON WHICH RELIEF IS REQUESTED AND A DEMAND FOR JUDGMENT, TO PROHIBIT THE PARTY FROM SPECIFYING A PARTICULAR AMOUNT OF DAMAGES, TO REQUIRE THE PLAINTIFF TO SPECIFY DAMAGES TO THE DEFENDANT BY INTERROGATORY IF SO REQUESTED, AND TO PROHIBIT THE RELEASE OF SUCH DAMAGES INFORMATION TO THE JURY; AMENDING CHAPTER 3, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-336, IDAHO CODE, TO PROVIDE FOR THE DETERMINATION OF DAMAGES IN CASES OF DEFAULT, TO REQUIRE THE COURT TO HOLD HEARINGS AND/OR REQUEST REFERENCE AS IT DEEMS NECESSARY TO DETERMINE THE APPROPRIATE AMOUNT OF DAMAGES; AMENDING TITLE 12, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 3, TITLE 12, IDAHO

CODE, TO PROVIDE INTEREST ON OFFERS OF SETTLEMENT IN CERTAIN CIVIL ACTIONS; TO PROVIDE NO EFFECT ON RULE 68 OF THE IDAHO RULES OF CIVIL PROCEDURE; TO PROVIDE A SHORT TITLE; AMENDING SECTION 41-1329, IDAHO CODE, TO PROVIDE THAT CERTAIN ACTS OR OMISSIONS BY INSURANCE COMPANIES DONE INTENTIONALLY OR WITH SUCH FREQUENCY AS TO INDICATE A GENERAL BUSINESS PRACTICE CONSTITUTE AN UNFAIR OR DECEPTIVE ACT OR PRACTICE; AMENDING CHAPTER 13, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-1329A, IDAHO CODE, TO PROVIDE A CIVIL SUIT FOR DAMAGES FOR ANY VIOLATION OF THE PROVISIONS OF SECTION 41-1329, IDAHO CODE, TO PROVIDE PUNITIVE DAMAGES, TO PROVIDE EQUITABLE RELIEF, TO PROVIDE THAT THE PREVAILING PARTY MAY RECEIVE COSTS AND ATTORNEY'S FEES, AND TO PROVIDE THAT THE PROVISIONS OF THIS SECTION ARE NOT AN EXCLUSIVE REMEDY; AMENDING SECTION 41-1815, IDAHO CODE, TO REQUIRE INSURANCE POLICIES TO CONTAIN A CLAUSE REQUIRING THE INSURER TO GIVE SIXTY DAYS' NOTICE OF CANCELLATION AND NONRENEWAL TO COMMERCIAL OR BUSINESS POLICYHOLDERS, TO PROVIDE EXCEPTIONS TO THE SIXTY DAY NOTICE REQUIREMENTS, TO PROVIDE PENALTIES FOR FAILURE TO COMPLY, TO PROVIDE THAT ANY CANCELLATION OR NONRENEWAL NOT DONE IN COMPLIANCE WITH THIS SECTION IS NULL AND VOID, TO PROVIDE AN EFFECTIVE DATE, TO REQUIRE INSURERS TO GIVE SIXTY DAYS' NOTICE OF ANY PREMIUM INCREASE EXCEEDING TEN PER CENT, TO PROVIDE PENALTIES, TO RENDER VOID ANY INCREASE NOT DONE IN COMPLIANCE WITH THIS SECTION, AND TO PROVIDE AN EFFECTIVE DATE; AMENDING SECTION 41-2401, IDAHO CODE, TO PROVIDE FOR THE APPLICABILITY OF THE PROVISIONS OF SECTION 41-1815, IDAHO CODE, TO COMMERCIAL OR BUSINESS FIRE INSURANCE POLICIES; AND AMENDING SECTION 72-311, IDAHO CODE, TO REQUIRE SIXTY DAYS' NOTICE OF CANCELLATION OF A SURETY OR GUARANTY CONTRACT AND TO CORRECT AND USE A PREFERRED SPELLING; AMENDING SECTION 41-336A, IDAHO CODE, TO REQUIRE CASUALTY INSURANCE COMPANIES TO PROVIDE STATISTICAL REPORTS TO THE DIRECTOR OF THE DEPARTMENT OF INSURANCE; TO PROVIDE EFFECTIVE DATES AND TO PROVIDE APPLICATION; AND TO PROVIDE SEVERABILITY.

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 16, Title 6, Idaho Code, and to read as follows:

6-1601. DEFINITIONS. As used in this act:

(1) "Charitable corporation or organization" means a corporation or organization including any community chest, fund, or foundation organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or to foster national or international amateur sports competition (but only if no part of its activities involve the provision of athletic facilities or equipment), or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation.

(2) "Claimant" means any party to a civil action making a claim for relief, legal or equitable, compensatory or noncompensatory.

(3) "Economic damages" mean objectively verifiable monetary loss, including but not limited to out-of-pocket expenses, loss of earnings, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, medical expenses, or loss of business or employment opportunities.

(4) "Future damages" mean noneconomic damages and economic damages to be incurred after entry of a judgment.

(5) "Noneconomic damages" mean subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party; emotional distress; loss of society and companionship; loss of consortium; or destruction or impairment of the parent-child relationship.

(6) "Personal injury" means a physical injury, sickness or death suffered by an individual.

(7) "Property damage" means loss in value or in use of real or personal property, where such loss arises from physical damage to or destruction of such property.

(8) "Punitive damages" mean damages awarded to a claimant, over and above what will compensate the claimant for actual personal injury and property damage, to serve the public policies of punishing a defendant for outrageous conduct and of deterring future like conduct.

6-1602. PERIODIC PAYMENT OF JUDGMENTS -- EXCEPTIONS -- DISCRETIONS -- PROCEDURE. (1) In any civil action seeking damages for personal injury or property damages in which a verdict, award or finding for future damages exceeds the sum of one hundred thousand dollars ($100,000), the court may, in the exercise of its sound discretion, and at the request of either party, enter a judgment which provides for the periodic payment of that portion of the verdict, award or finding which represents future damages.

(2) If, prior to the entry of judgment, either party requests that the judgment provide for the periodic payments of future damages, the court shall request each party to submit a proposal for such payment which, at a minimum, shall state:

(a) The reasons which demonstrate that the imposition of periodic payments is appropriate or inappropriate, according to the criteria provided in subsections (3), (4) and (5) of this section;

(b) The manner and method of proposed future periodic payments including:

(i) The name or names of each recipient of such payments;

(ii) The number, time, interval and dollar amount of all such payments;

(iii) The total amount to be paid over the course of such payments;

(iv) The present cash value of such payments as of the date when payment is to commence;

(v) The terms and conditions of any annuity policy, contract or investment which a party intends to rely upon as the means of facilitating such payments; and

(vi) The method by which such payments are secured.

(c) Any other factor the court deems appropriate under the prevailing circumstances.

(3) In determining whether periodic payments are appropriate in any given case, the court shall consider, receive evidence and enter findings of fact and conclusions of law on the following:

(a) The age, health, education, occupation experience, medical needs, capacity or incapacity, dependency, and any other special circumstances which, considering the best interests of the claimant, weigh in favor of periodic or lump sum payments;

(b) The financial capacity and resources of the judgment debtor, and any other factors which may affect such debtor's ability to pay the judgment in lump sum, or may otherwise substantially impair the future solvency of such debtor if periodic payments are not ordered;

(c) The degree to which the future damages, losses, expenses and needs are subject to ascertainment with reasonable certainty;

(d) The extent to which an order of future periodic payments may significantly risk that the judgment debtor will be required to pay more than the verdict award or finding, or that the claimant will not be fully and fairly compensated for the future damages;

(e) The existence and amount of any policy of insurance providing coverage, in whole or part, to the judgment debtor for the future damages of the claimant;

(f) The claimant's entitlement to future income, benefits, proceeds or payments from other sources which, with reasonable certainty, may supplement the claimant's future economic needs, damages or expenses;

(g) The extent to which the manner of payment may serve to discourage or deter the tortious, wrongful or otherwise unlawful conduct of the judgment debtor or others similarly situated;

(h) The availability of adequate security to insure that the claimant will receive the full value of the verdict, award or finding;

(i) The extent to which the claimant's attorney will be fully and adequately compensated pursuant to terms of the agreement for representation with the claimant; and

(j) The effect upon any taxes which the claimant will have to pay on the periodic payments.

(4) Unless otherwise agreed to by the claimant, periodic payments shall not be ordered in any case involving an intentional tort, or wrongful conduct perpetrated with or accompanied by fraud, dishonesty, malice, willfulness, gross negligence or which represents an extreme deviation from reasonable standards of conduct.

(5) Any unpaid balance of any judgment shall accrue and bear interest at the legal rate of interest specified in section 28-22-104(2), Idaho Code, except to the extent such judgment is for future damages. Judgments for future damages shall not bear interest unless such future damages have been reduced to present value in which case the court shall assign an interest rate which is consistent with the methodology used in reducing the amount of such verdict award or finding to present value.

(6) Adequate security shall be required on every judgment ordered payable by periodic means, including the provision of any one or combination of the following:

(a) An annuity contract issued by an insurance company with a financial rating acceptable to the court;

(b) Personal guarantees;

(c) Reinsurance contracts;

(d) Security instruments on real and personal property; or

(e) Such other collateral or security the court may determine appropriate and necessary to ensure full and timely payment of the judgment.

(7) If the court enters a judgment for periodic payments and any security required by the judgment is not given within sixty (60) days, the court shall enter judgment for payment of the future damage award in a lump sum, together with an award of reasonable costs and attorney fees incurred by the claimant relating to the request for periodic payments.

(8) If the court enters an order for periodic payments within sixty (60) days after entry of an order for periodic payments, the judgment debtor may elect not to make the periodic payments and satisfy the judgment for periodic payments by paying the full amount of damages awarded before the order for periodic payments.

(9) If at any time following entry of judgment for periodic payments, a judgment debtor fails to make any payment in full or in a timely fashion, or otherwise according to the terms of the judgment, the claimant may petition the court for an order requiring payment by the judgment debtor of the total remaining amount of the unpaid future damage award and, if necessary, an order allowing execution upon any security given for payment together with such additional penalties, including an award of costs and attorney fees, as the court deems appropriate. In ruling upon such petition the court may consider whether the judgment debtor's failure to make full or timely payment was the result of his excusable inadvertence or the ministerial act of third parties beyond the control of the judgment debtor, together with all equitable considerations which favor granting or denying the petition.

(10) All judgments payable by periodic payments, as provided in this section, shall constitute a property right of the judgment creditor entitled to receive the payments, shall survive the death, disability or incapacity of the judgment creditor, and shall be inheritable, devisable, assignable and otherwise subject to disposition by the judgment creditor as any other form of intangible personal property; provided that nothing contained herein is intended to amend, modify or in any way alter any federal, state or local laws pertaining to taxes which may or may not be assessed against all or any portion of the judgment.

6-1603. LIMITATION ON NONECONOMIC DAMAGES. (1) In no action seeking damages for personal injury, including death, shall a judgment for noneconomic damages be entered for a claimant exceeding the maximum amount of four hundred thousand dollars ($400,000); provided, however, that beginning on July 1, 1988, and each July 1 thereafter, the

cap on noneconomic damages established in this section shall increase or decrease in accordance with the percentage amount of increase or decrease by which the Idaho industrial commission adjusts the average annual wage as computed pursuant to section 72-409(2), Idaho Code.

(2) The limitation contained in this section applies to the sum of: (a) noneconomic damages sustained by a claimant who incurred personal injury or who is asserting a wrongful death; (b) noneconomic damages sustained by a claimant, regardless of the number of persons responsible for the damages or the number of actions filed.

(3) If a case is tried to a jury, the jury shall not be informed of the limitation contained in subsection (1) of this section.

(4) The limitation of awards of noneconomic damages shall not apply to:

(a) Causes of action arising out of willful or reckless misconduct.

(b) Causes of action arising out of an act or acts which the trier of fact finds beyond a reasonable doubt would constitute a felony under state or federal law.

6-1604. LIMITATION ON PUNITIVE DAMAGES. (1) In any action seeking recovery of punitive damages, the claimant must prove, by a preponderance of the evidence, oppressive, fraudulent, wanton, malicious or outrageous conduct by the party against whom the claim for punitive damages is asserted.

(2) In all civil actions in which punitive damages are permitted, no claim for damages shall be filed containing a prayer for relief seeking punitive damages. However, a party may, pursuant to a pretrial motion and after hearing before the court, amend the pleadings to include a prayer for relief seeking punitive damages. The court shall allow the motion to amend the pleadings if the moving party establishes at such hearing a reasonable likelihood of proving facts at trial sufficient to support an award of punitive damages. A prayer for relief added pursuant to this section shall not be barred by lapse of time under any applicable limitation on the time in which an action may be brought or claim asserted, if the time prescribed or limited had not expired when the original pleading was filed.

(3) The limitations on noneconomic damages contained in this act are not applicable to punitive damages.

(4) Nothing in this section is intended to change the rules of evidence or standards of proof used by a trier of fact in finding punitive damages.

6-1605. LIMITATION ON LIABILITY OF VOLUNTEER OFFICERS AND DIRECTORS OF CHARITABLE CORPORATIONS AND ORGANIZATIONS. (1) In any charitable corporation or organization as defined in section 6-1601(1), Idaho Code, or any unincorporated membership organization engaged exclusively in charitable activities which qualifies as a charitable organization, officers or directors of the charitable corporation or organization shall be personally immune from civil liability arising out of their conduct as an officer or director, provided that such provision shall not eliminate or limit, and no immunity is hereby granted for the liability of an officer or director:

(a) For conduct which is willful, wanton, or which involves fraud or knowing violation of the law;
(b) To the extent that there exists any policy of liability insurance providing coverage for such conduct, whether the policy is purchased by the corporation or organization, the individual officer or director or some third party;
(c) For any intentional breach of a fiduciary duty or duty of loyalty owed by the officer or director to the corporation, organization or the members thereof;
(d) For acts or omissions not in good faith or which involve intentional misconduct, fraud or a knowing violation of law;
(e) For any transaction from which the officer or director derived an improper personal benefit; or
(f) For any violation of the provisions of sections 30-321 and 30-322, Idaho Code.

(2) Reimbursement of an officer or director of a charitable corporation or charitable organization for costs and expenses actually incurred shall not be considered compensation.

(3) Nothing in this section shall be construed to supersede, abrogate, or limit any immunities or limitation of liability otherwise provided by law.

SECTION 2. That Section 6-801, Idaho Code, be, and the same is hereby amended to read as follows:

6-801. COMPARATIVE NEGLIGENCE OR COMPARATIVE RESPONSIBILITY -- EFFECT OF CONTRIBUTORY NEGLIGENCE. Contributory negligence or comparative responsibility shall not bar recovery in an action by any person or his legal representative to recover damages for negligence, or gross negligence or comparative responsibility resulting in death or in injury to person or property, if such negligence or comparative responsibility was not as great as the negligence, or gross negligence or comparative responsibility of the person against whom recovery is sought, but any damages allowed shall be diminished in the proportion to the amount of negligence or comparative responsibility attributable to the person recovering. Nothing contained herein shall create any new legal theory, cause of action, or legal defense.

SECTION 3. That Section 6-802, Idaho Code, be, and the same is hereby amended to read as follows:

6-802. VERDICT GIVING PERCENTAGE OF NEGLIGENCE OR COMPARATIVE RESPONSIBILITY ATTRIBUTABLE TO EACH PARTY. The court may, and when requested by any party shall, direct the jury to find separate special verdicts determining the amount of damages and the percentage of negligence or comparative responsibility attributable to each party; and the court shall then reduce the amount of such damages in proportion to the amount of negligence or comparative responsibility attributable to the person recovering. Nothing contained herein shall create any new legal theory, cause of action, or legal defense.

SECTION 4. That Section 6-803, Idaho Code, be, and the same is

hereby amended to read as follows:

6-803. CONTRIBUTION AMONG JOINT TORTFEASORS -- DECLARATION OF RIGHT -- EXCEPTION -- ~~EFFECT OF COMPARATIVE NEGLIGENCE~~ LIMITED JOINT AND SEVERAL LIABILITY. (1) The right of contribution exists among joint tortfeasors, but a joint tortfeasor is not entitled to a money judgment for contribution until he has by payment discharged the common liability or has paid more than his pro rata share thereof.

(2) A joint tortfeasor who enters into a settlement with the injured person is not entitled to recover contribution from another joint tortfeasor whose liability to the injured person is not extinguished by the settlement.

~~(3) When there is such a disproportion of fault among joint tortfeasors as to render inequitable an equal distribution among them of the common liability by contribution, the relative degrees of fault of the joint tortfeasors shall be considered in determining their pro rata shares solely for the purpose of determining their rights of contribution among themselves, each remaining severally liable to the injured person for the whole injury as at common law.~~ The common law doctrine of joint and several liability is hereby limited to causes of action listed in subsections (5), (6) and (7) of this section. In any action in which the trier of fact attributes the percentage of negligence or comparative responsibility to persons listed on a special verdict, the court shall enter a separate judgment against each party whose negligence or comparative responsibility exceeds the negligence or comparative responsibility attributed to the person recovering. The negligence or comparative responsibility of each such party is to be compared individually to the negligence or comparative responsibility of the person recovering. Judgment against each such party shall be entered in an amount equal to each party's proportionate share of the total damages awarded.

(4) As used herein, "joint tortfeasor" means one (1) of two (2) or more persons jointly or severally liable in tort for the same injury to person or property, whether or not judgment has been recovered against all or some of them.

(5) A party shall be jointly and severally liable for the fault of another person or entity or for payment of the proportionate share of another party where they were acting in concert or when a person was acting as an agent or servant of another party.

(6) Any cause of action arising out of a violation of any state or federal law or regulation relating to hazardous or toxic waste or substances or solid waste disposal sites.

(7) Any cause of action arising from the manufacture of any medical devices or pharmaceutical products.

SECTION 5. That Section 6-804, Idaho Code, be, and the same is hereby amended to read as follows:

6-804. COMMON LAW LIABILITIES PRESERVED. Nothing in this act affects:

(1) The common law liability of the several joint tortfeasors to have judgment recovered and payment made from them individually by the

injured person for the whole injury shall be limited to causes of action listed in section 6-803, Idaho Code. However, the recovery of a judgment by the injured person against one (1) joint tortfeasor does not discharge the other joint tortfeasors.

(2) Any right of indemnity under existing law.

SECTION 6. That Chapter 8, 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 6-807, Idaho Code, and to read as follows:

6-807. LIMITATION ON THE RECOVERY OF DAMAGES -- REDUCING OR INCREASING AN AWARD. (1) In all civil actions in which there has been an award of damages as herein defined, the trial judge may, in his discretion, and after considering all of the evidence, alter such portion of the award representing damages of the amount awarded; (a) is unsupported or unjustified by the clear weight of the evidence; or (b) is so unreasonably disproportionate to the loss or damage suffered or to be suffered as to unconscionable or so as to shock the conscience of the court; or (c) is the product of a legal error or mistake during the presentation of the evidence or submission of the case to the trier of fact; or (d) is demonstrated to be more likely than not the product of passion or prejudice on the part of the trier of fact.

(2) If the court finds that the award of damages is unreasonably great or small by reason of any one or more of the factors set forth above, then the district court may exercise its discretion to reduce or increase such award in order to make the same consistent with the losses as shown by the evidence. In the event that the court shall enter any such order, it shall make detailed findings of fact and conclusions of law explaining the reason for its action, the amount of any increase or reduction, and the basis therefore.

SECTION 7. That Section 28-22-104, Idaho Code, be, and the same is hereby amended to read as follows:

28-22-104. LEGAL RATE OF INTEREST. (1) When there is no express contract in writing fixing a different rate of interest, interest is allowed at the rate of twelve cents (12¢) on the hundred by the year on:

1. Money due by express contract.
2. Money after the same becomes due.
3. Money lent.
4. Money received to the use of another and retained beyond a reasonable time without the owner's consent, express or implied.
5. Money due on the settlement of mutual accounts from the date the balance is ascertained.
6. Money due upon open accounts after three (3) months from the date of the last item.

(2) The legal rate of interest on money due on the judgment of any competent court or tribunal shall be ~~eighteen cents (18¢) on the hundred by the year~~ the rate of five percent (5%) plus the base rate.

The base rate shall be determined on July 1 of each year by the Idaho state treasurer and shall be the weekly average yield on United States treasury securities as adjusted to a constant maturity of one (1) year and rounded up to the nearest one-eighth percent (1/8%). The base rate shall be determined by the Idaho state treasurer utilizing the published interest rates during the week preceding July 1 of the year in which such interest is being calculated. The announced base rate shall apply to all such judgments during the succeeding twelve (12) months.

SECTION 8. That Chapter 1, Title 12, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 12-123, Idaho Code, and to read as follows:

12-123. SANCTIONS FOR FRIVOLOUS CONDUCT IN A CIVIL CASE. (1) As used in this section:

(a) "Conduct" means filing a civil action, asserting a claim, defense, or other position in connection with a civil action, or taking any other action in connection with a civil action.

(b) "Frivolous conduct" means conduct of a party to a civil action or of his counsel of record that satisfies either of the following:

(i) It obviously serves merely to harass or maliciously injure another party to the civil action;

(ii) It is not supported in fact or warranted under existing law and cannot be supported by a good faith argument for an extension, modification, or reversal of existing law.

(2) (a) In accordance with the provisions of this section, at any time prior to the commencement of the trial in a civil action or within twenty-one (21) days after the entry of judgment in a civil action, the court may award reasonable attorney's fees to any party to that action adversely affected by frivolous conduct.

(b) An award of reasonable attorney's fees may be made by the court upon the motion of a party to a civil action, but only after the court does the following:

(i) Sets a date for a hearing to determine whether particular conduct was frivolous; and

(ii) Gives notice of the date of the hearing to each party or counsel of record who allegedly engaged in frivolous conduct and to each party allegedly adversely affected by frivolous conduct; and

(iii) Conducts the hearing to determine if the conduct was frivolous, whether any party was adversely affected by the conduct if it is found to be frivolous, and to determine if an award is to be made, the amount of that award. In connection with the hearing, the court may order each party who may be awarded reasonable attorney's fees and his counsel of record to submit to the court, for consideration in determining the amount of any such award, an itemized list of the legal services necessitated by the alleged frivolous conduct, the time expended in rendering the services, and the attorney's fees associated with those services. Additionally,

the court shall allow the parties and counsel of record involved to present any other relevant evidence at the hearing.

(c) The amount of an award that is made pursuant to this section shall not exceed the attorney's fees that were both reasonably incurred by a party and necessitated by the frivolous conduct.

(d) An award of reasonable attorney's fees pursuant to this section may be made against a party, his counsel of record, or both.

(3) An award of reasonable attorney's fees pursuant to this section does not affect or determine the amount of or the manner of computation of attorney's fees as between an attorney and the attorney's client.

(4) The provisions of this section do not affect or limit the application of any civil rule or another section of the Idaho Code to the extent that such a rule or section prohibits an award of attorney's fees or authorizes an award of attorney's fees in a specified manner, generally, or subject to limitations.

SECTION 9. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-335, Idaho Code, and to read as follows:

5-335. GENERAL RULES OF PLEADING -- CLAIMS FOR RELIEF. A pleading which sets forth a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim, shall contain (1) if the court has limited jurisdiction, a short and plain statement of the grounds upon which the court's jurisdiction depends, (2) a short and plain statement of the claims showing that the pleader is entitled to relief, and (3) a demand for judgment for the relief to which the pleader deems himself or herself entitled. Relief in the alternative or of several different types may be demanded. In any action for recovery because of personal injury or death, the claim for relief shall not specify the amount of damages claimed, but shall, instead, contain a general allegation of damage and shall state that the damages claimed are within any minimum or maximum jurisdictional limits of the court to which the pleading is addressed. At any time after service of the pleading, the defendant may, by special interrogatory, demand a statement of the amount of damages claimed by the plaintiff, which shall be answered within fifteen (15) days. The information provided in the response to the special interrogatory shall not be admissible into evidence at trial, nor shall it be communicated to the jury by argument or otherwise, nor shall it affect or limit the verdict rendered by the jury or the judgment issued by the court, in accordance with Idaho rule of civil procedure 54(c).

SECTION 10. That Chapter 3, Title 5, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 5-336, Idaho Code, and to read as follows:

5-336. DEMAND FOR JUDGMENT -- DEFAULT JUDGMENTS. A judgment by default shall not be different in kind from or exceed in the amount that prayed for in the demand for judgment. Except as to a party against whom a judgment is entered by default, every final judgment shall grant the relief to which the party in whose favor it is rendered is entitled, even if the party has not demanded such relief in his pleading. Provided, however, if a judgment by default is entered in any claim for relief for personal injury or death pursuant to Idaho rule of civil procedure 8(a)(1), after default is entered, the court shall conduct such hearings or order such reference as it deems necessary and proper pursuant to Idaho rule of civil procedure 55(b)(2) to determine the appropriate amount of damages.

SECTION 11. That Title 12, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 3, Title 12, Idaho Code, and to read as follows:

CHAPTER 3
INTEREST ON OFFERS OF SETTLEMENT

12-301. INTEREST ON OFFERS OF SETTLEMENT. (a) After commencement of any civil action based upon a claim for relief arising in tort, from property damage, personal injury or wrongful death, any claimant may at any time, no later than ten (10) days before the trial, serve upon an adverse party, a written offer of settlement, offering to settle his claim in such action and to stipulate to a judgment for a sum certain, including any attorney fees allowable by law and costs of litigation then accrued.

(b) If the adverse party, at any time after service of such offer of settlement and prior to its revocation, serves written notice that the offer is accepted, either party may then file the offer and notice of acceptance, together with proof of service thereof, and thereupon judgment shall be entered for the amount of the offer. In the event that an offer of settlement is revoked by a claimant or not accepted, evidence of the offer is not admissible except in a proceeding to determine costs or to award interest pursuant to this section.

(c) If such offer of settlement is not accepted prior to trial pursuant to subsection (b) above, and the action reaches a final judgment by the court after trial, the court shall inquire as to whether any prevailing claimant made an offer of settlement, pursuant to subsection (a) of this section, which an adverse party failed to accept. If the court finds that such claimant has recovered an amount equal to or greater than his offer of settlement, the court shall add to the judgment, annual interest on the amount contained in such offer, computed from the date that the offer of settlement was served and shall enter judgment accordingly. For purposes of such computation, the last offer of settlement which was equal to or less than the damages awarded such claimant, together with the costs and attorney fees, if any, awarded to him shall be used. A subsequent offer made pursuant to subsection (a) revokes any previous offer.

(d) For purposes of this section, "annual interest" shall mean the rate specified in section 28-22-104(2), Idaho Code.

12-302. EFFECT ON CIVIL RULES. This chapter shall not amend rule 68 of the Idaho rules of civil procedure.

12-303. SHORT TITLE. This chapter shall be known as the "Interest on Offers of Settlement."

SECTION 12. That Section 41-1329, Idaho Code, be, and the same is hereby amended to read as follows:

41-1329. UNFAIR CLAIM SETTLEMENT PRACTICES. Pursuant to section 41-1302, Idaho Code, committing or performing any of the following acts or omissions intentionally, or with such frequency as to indicate a general business practice shall be deemed to be an unfair method of competition or an unfair or deceptive act or practice in the business of insurance~~:~~:

(1) Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;

(2) Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;

(3) Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;

(4) Refusing to pay claims without conducting a reasonable investigation based upon all available information;

(5) Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

(6) Not attempting in good faith to effectuate prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

(7) Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

(8) Attempting to settle a claim for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;

(9) Attempting to settle claims on the basis of an application which was altered without notice to, or knowledge or consent of the insured;

(10) Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which the payments are being made;

(11) Making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

(12) Delaying the investigation or payment of claims by requiring an insured, claimant, or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, both of which submissions contain substantially the same information;

(13) Failing to promptly settle claims, where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage; or

(14) Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement.

SECTION 13. That Chapter 13, 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 41-1329A, Idaho Code, and to read as follows:

41-1329A. UNFAIR CLAIMS SETTLEMENT PRACTICES -- PENALTY. The director, if he finds after a hearing, that an insurer has violated the provisions of section 41-1329, Idaho Code, may, in his discretion, impose an administrative penalty not to exceed ten thousand dollars ($10,000) to be deposited by the director as provided in section 41-406, Idaho Code, and may, in addition to the fine, or in the alternative to the fine, refuse to continue or suspend or revoke an insurer's certificate of authority.

SECTION 14. That Section 41-1815, Idaho Code, be, and the same is hereby amended to read as follows:

41-1815. CONTENTS OF POLICIES IN GENERAL. (1) Every policy shall specify:

(a) The names of the parties to the contract.

(b) The subject of the insurance.

(c) The risks insured against.

(d) The time when the insurance thereunder takes effect and the period during which the insurance is to continue.

(e) The premium.

(f) The conditions pertaining to the insurance.

(2) If under the policy the exact amount of premium is determinable only at stated intervals or termination of the contract, a statement of the basis and rates upon which the premium is to be determined and paid shall be included.

(3) Subsections (1) and (2) above shall not apply as to surety contracts, or to group insurance policies.

(4) Unless otherwise provided by law, every commercial or business policy shall contain a provision which requires the insurer:

(a) To give directly to the policyholder not less than sixty (60) days' prior written notice of any cancellation or nonrenewal of the policyholder's insurance policy. Not less than fifteen (15) days' notice is required if cancellation or nonrenewal is due to: failure to pay premiums, material misrepresentation by the insured, substantial and unforeseen changes in the risk assumed, substantial breaches of contractual duties, conditions or warranties, or the policy is being cancelled or not renewed at the request of the policyholder. Failure by the insurer to comply with the requirements of this paragraph shall be a violation of the

provisions of this title and shall render the cancellation or nonrenewal by the insurer null and void and without effect. The failure of the insurer to comply with the requirements of this paragraph shall not affect the contract rights of the insured. The provisions of this paragraph shall be effective for all contracts of insurance entered into after July 1, 1987.

(b) To give directly to the policyholder not less than sixty (60) days' prior written notice of any premium rate increase greater than ten per cent (10%). Failure by the insurer to comply with the requirements of this paragraph shall be a violation of the provisions of this title and shall render the premium rate increase by the insurer null and void and without effect. The failure of the insurer to comply with the requirements of this paragraph shall not affect the contract rights of the insured under the insurance policy. The provisions of this paragraph shall be effective for all contracts of insurance entered into after July 1, 1987.

SECTION 15. That Section 41-2401, Idaho Code, be, and the same is hereby amended to read as follows:

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

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

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

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

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

policy by an endorsement or rider as hereinafter provided.

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

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

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

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

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

(j) Every fire policy shall contain language that provides for a twenty (20) day written notice to the insured prior to cancellation of the policy, provided, business or commercial fire policies shall conform with the notice requirements contained in subsections 4(a) and 4(b) of section 41-1815, Idaho Code.

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

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

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

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

(a) Such policy or contract shall afford coverage, with respect to the peril of fire, not less than the coverage afforded by such

standard fire policy,

(b) The provisions in relation to mortgagee interests and obligations in such standard fire policy shall be incorporated therein without change,

(c) Such policy or contract is complete as to all of its terms without reference to the standard form of fire insurance policy or any other policy, and

(d) The director is satisfied that such policy or contract complies with the provisions hereof.

SECTION 16. That Section 72-311, Idaho Code, be, and the same is hereby amended to read as follows:

72-311. NOTICE OF SECURITY -- CANCELLATION OF SURETY CONTRACT. (1) The employer shall forthwith file with the commission in form prescribed by it, a notice of his security.

(2) No policy of insurance or guaranty contract or surety bond issued against liability arising under this act shall be canceled within the time limited in such contract for its expiration until at least ~~ten~~ sixty (~~10~~60) days after notice of cancellation of such contract on a date specified in such notice, shall have been filed with the industrial commission, and also served on the other contracting party either personally or by certified mail. If cancellation is due to failure to pay premiums, material misrepresentations by the insured, substantial and unforeseen changes in the risk assumed, substantial breaches of contractual duties, conditions or warranties, or the policy is being cancelled or not renewed at the request of the policyholder, then at least ten (10) days' notice of cancellation is required and the notice shall be filed as required in this section.

SECTION 17. 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) Liability for casualties, including all types of casualty insurance as defined in section 41-506, Idaho Code; or

(~~d~~e) 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. The statistics shall separately address the experience of the state of Idaho and all other experience including the state of Idaho.

(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 18. The provisions of this act shall take effect on July 1, 1987, provided however, that Section 1 through 11 shall apply only to causes of action which accrue on and after July 1, 1987. Provided further, that Section 6-1603, Idaho Code, as enacted herein, is hereby repealed and does sunset for causes of action which accrue after June 30, 1992.

SECTION 19. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved April 1, 1987.

CHAPTER 279
(S.B. No. 1231)

AN ACT

RELATING TO MOTOR VEHICLE OPERATOR'S AND CHAUFFEUR'S LICENSES; AMENDING SECTION 49-301, IDAHO CODE, TO CLARIFY REQUIREMENTS FOR LICENSING AS A CHAUFFEUR; AND REPEALING SECTION 49-347, IDAHO CODE.

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

SECTION 1. That Section 49-301, Idaho Code, be, and the same is hereby amended to read as follows:

49-301. DEFINITIONS. For the purposes of this chapter:

(1) "Board" means the Idaho transportation board of this state.

(2) "Chauffeur" means a person who is employed by another for the principal purpose of driving a motor vehicle and, or a person who drives a motor vehicle while in use as a public contract or common carrier of persons or property. Persons driving vehicles licensed for a maximum gross weight of less than sixty thousand (60,000) pounds which are engaged in pick-up and/or delivery service, in utility and repair services, in farming operations, or in route sales, are not required to be licensed as a chauffeur.

(3) "Department" means the Idaho transportation department of this state acting directly or through its duly authorized officers and agents.

(4) "Director" means the director of the Idaho transportation department of this state.

(5) "Farm tractor" means a motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

(6) "Motor vehicle" means a motor vehicle as defined by section 49-101, Idaho Code.

(7) "Nonresident" means a person who is not a resident of this state.

(8) "Operator" means a person, other than a chauffeur, who is in actual physical control of a motor vehicle upon a highway.

(9) "Owner" means a person who holds the legal title to a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(10) "Person" means a natural person, firm, copartnership, association or corporation.

(11) "Resident" means a person who has resided continuously in the state of Idaho for a period of ninety (90) days.

(12) "School bus" means a motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(13) "Street or highway" means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.

(14) "Vehicle" means a device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or horsedrawn or used exclu-

sively upon stationary rails or tracks.

SECTION 2. That Section 49-347, Idaho Code, be, and the same is hereby repealed.

Approved April 1, 1987.

CHAPTER 280
(S.B. No. 1232)

AN ACT

RELATING TO THE MAXIMUM SPEED LIMIT IN IDAHO; AMENDING SECTION 49-681, IDAHO CODE, TO INCREASE THE MAXIMUM SPEED LIMIT FROM 55 MILES PER HOUR TO 65 MILES PER HOUR ON DESIGNATED HIGHWAYS; AMENDING SECTION 49-682, IDAHO CODE, TO INCREASE THE MAXIMUM SPEED LIMIT ON DESIGNATED HIGHWAYS; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That Section 49-681, Idaho Code, be, and the same is hereby amended to read as follows:

49-681. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) Basic rules. - No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) Maximum speed limits. - Where no special hazard exists that requires lower speed for compliance with subsection (1) of this section the limits as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of such maximum limits:

(a) Thirty-five (35) miles per hour in any urban district;

(b) Sixty-five (65) miles per hour on highways designated as permissible by federal law;

(c) Fifty-five (55) miles per hour in other locations.

The maximum speed limits set forth in this section may be altered as authorized in sections 49-683 and 49-684, Idaho Code.

(3) Penalty. - When the maximum speed on a given highway is set at ~~fifty~~ sixty-five (~~55~~65) miles per hour, and the maximum posted speed was more than ~~fifty~~ sixty-five (~~55~~65) miles per hour prior to ~~the emergency declared by P.L. 93-239~~ January 2, 1974, or when the maximum speed on a portion of ~~the~~ any interstate highway system is ~~fifty~~ sixty-five (~~55~~65) miles per hour and the speed of the vehicle was seventy (70) miles per hour or less, the maximum fine that shall be

imposed for exceeding ~~fifty~~ sixty-five (~~50~~65) miles per hour~~,--but--not exceeding--the--posted--limits--prior--to-the-emergency,~~ shall be five dollars ($5.00). In addition, no jail sentence shall be imposed on such a conviction, nor shall a conviction result in violation point counts as prescribed in section 49-330, Idaho Code. A conviction under this paragraph 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.

SECTION 2. That Section 49-682, Idaho Code, be, and the same is hereby amended to read as follows:

49-682. ESTABLISHMENT OF STATE SPEED ZONES. Whenever the Idaho transportation board shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater or less than is reasonable or safe under the conditions found to exist at any intersection or other place or upon any part of the state highway or interstate highway system, the board may determine and declare a reasonable and safe maximum limit thereat, not exceeding a maximum limit of ~~fifty~~ sixty-five (~~50~~65) miles per hour, which shall be effective when appropriate signs giving notice thereof are erected. Such a speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

SECTION 3. Sections 1 and 2 of this act shall be in full force and effect thirty calendar days following certification by the Attorney General to the Idaho Department of Law Enforcement and to the Idaho State Board of Transportation that the United States government has allowed an increase in the maximum speed limit on designated highways in the state of Idaho.

Approved April 1, 1987.

CHAPTER 281
(S.B. No. 1233)

AN ACT

RELATING TO FOREST PRACTICES; AMENDING CHAPTER 13, TITLE 38, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 38-1313, IDAHO CODE, TO CREATE A FOREST PRACTICES REHABILITATION ACCOUNT.

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

SECTION 1. That Chapter 13, Title 38, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 38-1313, Idaho Code, and to read as

follows:

38-1313. FOREST PRACTICES REHABILITATION ACCOUNT. There is hereby created in the dedicated fund in the state treasury a forest practices rehabilitation account, which shall be used by the department to rehabilitate forest lands damaged by a forest practice that is not repaired following the serving of a notice of violation. The department shall recover the costs of repairs and reasonable administrative and legal fees in accordance with subsection (2)(e) of section 38-1307, Idaho Code. Costs of repairs shall be deposited in the forest practices rehabilitation account.

Approved April 1, 1987.

CHAPTER 282
(S.B. No. 1167, As Amended)

AN ACT

RELATING TO PARI-MUTUEL RACING; AMENDING SECTION 54-2513, IDAHO CODE, TO PROVIDE A FORMULA FOR DISTRIBUTION OF MONEYS UNDER THE PARI-MUTUEL SYSTEM, TO CREATE THE IDAHO CENTENNIAL FUTURITY ACCOUNT, TO PROVIDE FOR THE PAYMENT OF MONEYS TO THE ACCOUNT, AND TO PROVIDE FOR USES OF MONEYS IN THE ACCOUNT, AND TO PROVIDE A TIME CERTAIN FOR DEDUCTIONS FOR THE IDAHO CENTENNIAL FUTURITY ACCOUNT TO CEASE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 54-2513, Idaho Code, be, and the same is hereby amended to read as follows:

54-2513. DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee conducting the pari-mutuel system shall distribute ~~eighty-percent (80%) of all sums deposited in any pool to the winner thereof, except for the daily double, exacta and trifecta pools, which shall be distributed seventy-nine and one-quarter per cent (79.25%) of all sums deposited in each of such pools to the winner thereof and three-quarters of one per cent (.75%) (for a total of eighty per cent (80%)) shall be distributed directly to the horse racing commission in addition to the sums provided and in accordance with subsection (B) of this section~~ all sums deposited in any pool as follows:

(1) Seventy-nine per cent (79%) of any win, place or show pool to the winner thereof, one per cent (1%) to the horse racing commission for deposit in the Idaho centennial futurity account, and twenty per cent (20%) to the licensee;

(2) Seventy-eight and one-quarter per cent (78.25%) of any daily double, exacta or trifecta pool to the winner thereof, one per cent (1%) to the horse racing commission for deposit in the Idaho centennial futurity account, three quarters of one per cent (.75%) to the horse racing commission for deposit in the horse racing

account, and twenty per cent (20%) to the licensee;

(3) Seventy-nine per cent (79%) of any quinella pool to the winner thereof, one per cent (1%) to the horse racing commission for deposit in the Idaho centennial futurity account. and twenty per cent (20%) to the licensee.

(B) Pursuant to subsection (A) of this section, eEach licensee conducting the pari-mutuel system shall retain twenty percent (20%) of all sums deposited in any pool, for distribution and payment based upon gross daily receipts as follows:

(1) One and one-quarter per cent (1.25%) of gross daily receipts, separately stated, shall be paid to the Idaho state horse racing commission, for deposit in the horse racing commission account, which is hereby created in the dedicated fund.

(2) One-half of one per cent (.50%) of gross daily receipts, separately stated, shall be paid to the Idaho state horse racing commission for deposit in the track distribution account, which is hereby created in the dedicated fund, for further distribution to certain Idaho race tracks, defined as follows:

a. recipient tracks shall be those which, during the race meet year of distribution, have an average daily handle of less than sixty thousand dollars ($60,000);

b. distributions to recipient tracks shall be weighted proportionately on the number of days raced during the year of distribution.

All moneys in the track distribution account are hereby appropriated to the commission for payment as required by this section. Payments to tracks shall be made monthly.

(3) One-half of one per cent (.50%) of gross daily receipts, separately stated, shall be paid by the licensee to the commission for deposit in the breed distribution account, which is hereby created in the dedicated fund, for payment by the commission in proportion to the handle generated by each breed, to lawfully constituted representatives of each breed, to benefit owners and/or breeders of Idaho bred racing thoroughbreds, racing quarter horses, racing Appaloosas, racing paints and racing Arabians, subject to the approval of the commission. Moneys in the breed distribution account on December 31 of each year which have not been distributed by the commission shall be paid to the public school income fund.

All moneys in the breed distribution account are hereby appropriated to the commission for payment as required by this section. Payments to representatives shall be made monthly.

(4) Seventeen and three-quarters per cent (17.75%) of gross daily receipts shall be paid or retained as follows:

a. From the first $20,000 of gross daily receipts, the licensee shall retain seventeen and three-quarters per cent (17.75%);

b. From the next $10,000 of gross daily receipts (gross daily receipts between $20,000 and $30,000), the public school income fund shall receive one-quarter of one per cent (.25%), and the licensee shall retain seventeen and one-half per cent (17.50%);

c. From the next $10,000 of gross daily receipts (gross daily receipts between $30,000 and $40,000), the public school income fund shall receive one and one-quarter per cent (1.25%), and the licensee shall retain sixteen and one-half per cent (16.50%);

d. From all amounts of over $40,000 of gross daily receipts, the public school income fund shall receive two and one-quarter per cent (2.25%), and the licensee shall retain fifteen and one-half per cent (15.50%).

The public schools' share shall be paid by the licensee to the horse racing commission for deposit in the public school income fund. The licensee's percentage shall be retained by the licensee.

(C) Such licensee may retain the odd cents of all redistribution to be based on each dollar deposited exceeding a sum equal to the next lowest multiple of ten (10), known as breakage, and the total amount of unclaimed tickets at the termination of the time allowed by rule and regulation of the commission.

(D) Moneys paid to the horse racing commission pursuant to the provisions of subsection (A) of this section, from daily double, exacta, trifecta or quinella pools shall be deposited in the Idaho centennial futurity account, which is hereby created in the dedicated fund. The account may receive gifts, donations or assignments from any other source. Moneys in the account are reserved exclusively for the payment of preliminary expenses, promotional expenses, operational expenses, and purses to conduct Idaho centennial futurity races for Idaho bred horses during this state's centennial celebration at sites licensed by the commission for that purpose. The horse racing commission shall coordinate all activities leading up to the centennial futurity races with the Idaho centennial commission. Moneys in the account are hereby appropriated to the horse racing commission for such purposes.

(E) Following the last Idaho centennial futurity race in 1990, the moneys that have been deducted for deposit in the Idaho centennial futurity account shall cease to be deducted for that purpose and shall be added to winner's pool for that race.

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, 1987.

CHAPTER 283
(S.B. No. 1181, As Amended)

AN ACT

RELATING TO DESIGN-BUILD CONTRACTING; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5711A, IDAHO CODE, AND AMENDING SECTION 67-2309, IDAHO CODE, TO PROVIDE AND CLARIFY THAT THE DESIGN-BUILD METHOD OF CONSTRUCTION IS AUTHORIZED UNDER

THE IDAHO CODE AS A PERMISSIBLE METHOD OF LETTING PUBLIC WORKS CONTRACTS FOR BID; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5711A, Idaho Code, and to read as follows:

67-5711A. DESIGN-BUILD CONTRACTING AUTHORIZED. Notwithstanding any other provisions of law to the contrary, the director of the department of administration, or his designee, is authorized and empowered, subject to the approval of the permanent building fund council, to employ the use of the design-build method of construction in the letting of any and all contracts for the construction, alteration, equipping, furnishing and repair of any and all buildings, improvements, or other public works of the state of Idaho. For the purposes of this section, a design-build contract is a contract between the state of Idaho and a nongovernmental party in which the nongovernmental party contracting with the state of Idaho agrees to both design and build the structure, roadway, or other items specified in the contract.

SECTION 2. 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. The design-build method of construction may be employed by public officials in contracts for the construction, repair, or improvement of public works, public buildings, public places or other work. For purposes of this section, a design-build contract is a contract between a public entity and a non-

governmental party in which the nongovernmental party contracting with the public entity agrees to both design and build a structure, roadway or other item specified in the contract. 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.

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

Approved April 3, 1987.

CHAPTER 284
(S.B. No. 1189)

AN ACT

RELATING TO SECURITY INTERESTS FOR FARM PRODUCTS AND THEIR PERFECTION; PROVIDING LEGISLATIVE INTENT; REPEALING SECTION 25-1117, IDAHO CODE; AMENDING SECTION 28-9-109, IDAHO CODE, TO CLARIFY THAT FEED IS INVENTORY AND NOT A FARM PRODUCT; AMENDING SECTION 28-9-110, IDAHO CODE, TO CLARIFY THE REQUIREMENT FOR DESCRIPTION OF PROPERTY FOR A FARM PRODUCT FINANCING STATEMENT; AMENDING SECTION 28-9-307, IDAHO CODE, TO CLARIFY THE RIGHTS OF A BUYER IN THE ORDINARY COURSE OF BUSINESS OF FARM PRODUCTS AS AGAINST A PERFECTED SECURITY INTEREST THEREIN; AMENDING SECTION 28-9-401A, IDAHO CODE, TO CLARIFY THE DURATION AND PRIORITY BETWEEN FARM PRODUCTS, SECURITY INTEREST, AND FINANCING STATEMENTS FILED IN THE OFFICE OF THE COUNTY RECORDER; AMENDING SECTION 28-9-402, IDAHO CODE, TO CLARIFY THE REAL PROPERTY DESCRIPTION REQUIREMENT FOR A FARM PRODUCTS FINANCING STATEMENT; AMENDING SECTION 28-9-403, IDAHO CODE, TO PROVIDE AUTHORITY OF THE SECRETARY OF STATE TO SET FEES FOR PUBLIC INSPECTION OF FINANCING STATEMENTS; AMENDING SECTION 28-9-404, IDAHO CODE, TO CLARIFY THE OBLIGATION TO FILE A TERMINATION STATEMENT FOR FINANCING STATEMENTS NOT FOR CONSUMER GOODS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature by this act to reconcile and clarify any statutory conflicts or ambiguities which may have resulted from the enactment in the Second Regular Session of the Forty-eighth Idaho Legislature in 1986 of an act relating to filing of security interests, Chapter 338 (S.B. No. 1490), Laws of 1986.

SECTION 2. That Section 25-1117, Idaho Code, be, and the same is hereby repealed.

SECTION 3. That Section 28-9-109, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-109. CLASSIFICATION OF GOODS -- "CONSUMER GOODS" -- "EQUIPMENT" -- "FARM PRODUCTS" -- "INVENTORY." Goods are:

(1) "~~c~~Consumer goods" if they are used or bought for use primarily for personal, family or household purposes;

(2) "~~e~~Equipment" if they are used or bought for use primarily in business (including farming or a profession) or by a debtor who is a nonprofit organization or a governmental subdivision or agency or if the goods are not included in the definitions of inventory, farm products or consumer goods;

(3) "~~f~~Farm products" if they are crops ~~or~~, livestock ~~or supplies~~ used or produced in farming operations, or ~~if--they--are~~ products of crops or livestock in their unmanufactured states (such as ginned cotton, woolclip, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations. If goods are farm products they are neither equipment nor inventory;

(4) "~~i~~Inventory" if they are held by a person who holds them for sale or lease or to be furnished under contracts of service or if he has so furnished them, or if they are raw materials, work in process or materials used or consumed in a business including feed used in farming operations. Inventory of a person is not to be classified as his equipment.

SECTION 4. That Section 28-9-110, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-110. SUFFICIENCY OF DESCRIPTION. For the purposes of this chapter any description of personal property is sufficient whether or not it is specific if it reasonably identifies what is described; provided, however, that, except as provided in section 28-9-402(9)(f), any description of real property be a legal description, that is, a description setting forth a United States government subdivision, the lot and block of a private subdivision, or metes and bounds of the premises affected by the security interest and tied to primary control points which include either a section corner, quarter-section corner or meander corner according to United States government survey.

SECTION 5. 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~~ or 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 6. That Section 28-9-401A, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-401A. CONTINUATION OF FINANCING STATEMENTS AFTER DECEMBER 22, 1986 -- PLACE OF FILING -- DURATION AND PRIORITY. (1) Except as provided in subsections (2), (3) and (4) of this section, t~~T~~he 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~~a) Such financing statement shall remain effective until it lapses as provided in section 28-9-403.

(~~2~~b) 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~~i) Indicates the types or describes the items of collateral included in the original financing statement as modified by any releases or amendments; or

(~~b~~ii) 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~~c) 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.

(2) Subject to the rules governing priorities contained in section 28-9-312, in the case of a financing statement for farm products which was properly filed before December 23, 1986, in the office of a county recorder, such financing statement shall remain effective until it lapses, except as against a buyer, commission merchant or selling agent in the ordinary course of business.

(3) A financing statement relating to farm products shall have been timely continued if a financing statement relating to the same security interest and security has been filed with the secretary of state pursuant to section 28-9-402(9), prior to the date upon which such financing statement would have lapsed as a county filing pursuant to section 28-9-403(2).

(4) In the case of financing statements for farm products properly filed in the office of the secretary of state pursuant to section 28-9-402(9), for the purpose of continuing the perfection of a security interest after December 22, 1986, which had previously been perfected by filing in the office of the proper county recorder, and which had not lapsed, the order of perfection shall be governed by the date and time of filing of the prior financing statement in the office of the county recorder subject to the rules governing priorities contained in section 28-9-312. A financing statement for farm products filed in the office of the secretary of state prior to December 23, 1986, shall have a filing date and time of 12:01 A.M., December 23, 1986.

SECTION 7. 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 STATEMENTS -- AMENDMENTS --MORTGAGE AS FINANCING STATEMENT. (1) 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, photo-

graphic 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 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 .....

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.....

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.....

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 ~~s~~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 produced or located. This

provision may be satisfied by a ~~legal~~ description~~,~~ ~~but~~ of the county(ies), and 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 8. That Section 28-9-403, Idaho Code, be, and the same is hereby amended to read as follows:

28-9-403. WHAT CONSTITUTES FILING -- DURATION OF FILING -- EFFECT OF LAPSED FILING -- DUTIES OF FILING OFFICER. (1) Presentation for filing of a financing statement and tender of the filing fee or acceptance of the statement by the filing officer constitutes filing under this chapter.

(2) Except as provided in subsection (6) a filed financing statement is effective for a period of five (5) years from the date of filing. The effectiveness of a filed financing statement lapses on the expiration of the five (5) year period unless a continuation statement 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 state-

ments 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 and for public access to the secretary of state's files which are open to public inspection as required by subsection (4) of this section. A secured party shall provide an itemization of fees paid by that secured party for filing, searches or other matters relating to filing of financing statements for farm products security interests relating to that debtor.

(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 fash-

ion 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 9. 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 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 when within one (1) month 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 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. 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 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 10. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1987.

Approved April 3, 1987.

CHAPTER 285
(S.B. No. 1195, As Amended in the House)

AN ACT
RELATING TO THE MINT COMMISSION; AMENDING SECTION 22-3806, IDAHO CODE, TO GIVE THE COMMISSION POWER TO ASSESS A LEVY AND TO INCREASE THE ASSESSMENT THE COMMISSION IS EMPOWERED TO LEVY.

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

SECTION 1. That Section 22-3806, Idaho Code, be, and the same is hereby amended to read as follows:

22-3806. ASSESSMENT IMPOSED — REQUIREMENTS — "GROWER'S ACREAGE" — ADDITIONAL ASSESSMENT — REFERENDUM. (1) ~~There~~ The commission is hereby ~~levied~~ empowered to levy an assessment ~~of one~~ not to exceed two cents (~~1~~2¢) per pound on each pound of essential oil handled in the primary channels of trade.

(2) This assessment may be increased to not exceed a total assessment of five cents (5¢) per pound as determined by a two-thirds (2/3) affirmative vote of the growers voting or a majority of the acreage voting in a referendum to be conducted by mail by the commission. The amount of any increased assessment, if any, shall be determined by resolution of the commission after February 1st or before July 1st of each year. The term "acreage" for the purposes of this subsection, means the number of acres of mint produced by a grower during the calendar year immediately next preceding each annual registration of growers as herein provided. Each grower, whether an individual, a partnership, a corporation, an association or other business unit, shall have one (1) vote at such referendum. No grower shall vote at any such referendum during any year unless such grower has, after January 1st but prior to January 15th of such year, registered with the commission on forms to be supplied by the commission giving such grower's name, mailing address and acreage, except that for the calendar year in which this subsection takes effect, the periods for the registration of growers shall be the fifteen (15) days immediately succeeding the effective date of this subsection. The qualification of any grower to vote or the amount of such grower's acreage as shown by such grower's registration may be challenged by any other grower qualified to vote or any member of the commission. All such challenges shall be presented to the commission in writing within ten (10) days after the close of registration and shall be heard and determined by the commission prior to canvassing the returns of any such referendum.

After the adoption of a resolution by the commission fixing the amount of the additional assessment to be submitted to a referendum of the growers, the commission shall cause to be mailed by United States registered mail to each grower so registered, at the address appearing on such grower's registration, a ballot setting forth the name of such grower, the grower's acreage, a copy of the resolution so adopted, and the words, "For additional assessment as provided in the foregoing resolution," followed by a circle and the words "Against the additional assessment as provided in the foregoing resolution," followed by a circle and such ballot shall provide a space at the bottom thereof for the grower's signature. A grower desiring to vote upon the amount of the additional assessment shall mark the ballot received to express the grower's vote, shall sign the ballot and shall return the ballot to the commission within twenty (20) days after the date on which the ballot was mailed to the grower by the commission. Any ballot which is not returned within such time limit, or which is not voted, or which is not signed, or which is marked both for and against the question submitted, shall be deemed not to have been voted and shall not be counted for any purpose. The commission shall meet and canvass all ballots cast at any such referendum within ten (10) days after the date by which all ballots are herein required to be returned to the commission. Upon the canvass, if the commission finds that two-thirds (2/3) or more of the growers voting at such referendum have voted in favor of the amount of such additional assessment or that growers representing a majority or more of the production of all growers voting at such referendum have voted in favor of the amount of such additional ~~amount~~ assessment, then the amount of such additional assessment shall have been approved, but if the commission finds otherwise, then the amount of such additional assessment shall have failed. The commission shall record the results of each canvass in its official records and shall retain all election records, grower registrations and the ballots for one (1) year after the date of such canvass when it may cause the same to be destroyed. If the canvass shows that the amount of such additional assessment shall have been approved, the commission shall immediately adopt a resolution levying the amount thereof. Such additional assessment when so levied shall apply only to the pounds of mint grown during the calendar year in which the referendum approving the same was held, but shall so apply regardless of the calendar year in which such essential oils are first handled in the primary channels of trade. If the canvass shows that the amount of such additional assessment shall have failed, the commission shall not levy the amount thereof, but the commission may resubmit the same or another amount for such additional assessment to the growers by referendum as herein provided as often as the commission deems necessary.

(3) All assessments levied under this act shall be due on or before the time when such essential oils are first handled in the primary channels of trade and shall be paid not later than the last day of the month next succeeding the month in which such essential oils were first handled in the primary channels of trade.

(4) The assessment constitutes a lien prior to all other liens and encumbrances upon such essential oils except liens which are

declared prior by operation of a statute of this state, but payment of the assessment by either grower or dealer who first handled such essential oils shall not subject such grower or dealer to liability for a lien prior to the lien herein imposed unless actual notice of such prior lien has been made upon such grower or dealer.

(5) The commission by order may cancel an assessment which has been delinquent for five (5) years or more if it determines that: (a) the amount of the assessment is less than one dollar ($1.00), and that further collection effort or expense does not justify the collection thereof, or the assessment is wholly uncollectible.

Approved April 3, 1987.

CHAPTER 286
(S.B. No. 1238)

AN ACT

APPROPRIATING MONEYS FOR FISCAL YEAR 1988 TO THE DEPARTMENT OF FISH AND GAME, WILDLIFE PROGRAM, FOR UPLAND GAME HABITAT IMPROVEMENT; AND APPROPRIATING MONEYS FOR FISCAL YEAR 1988 TO THE DEPARTMENT OF FISH AND GAME, WILDLIFE PROGRAM, FOR MIGRATORY WATERFOWL HABITAT IMPROVEMENT.

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

SECTION 1. There is hereby appropriated to the Department of Fish and Game the following amount for the Wildlife Program for upland game habitat improvement, to be expended according to the designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

FOR:	
Operating Expenses	$100,000
Capital Outlay	200,000
TOTAL	$300,000
FROM:	
Fish and Game Account	$300,000

SECTION 2. There is hereby appropriated to the Department of Fish and Game the following amount for the Wildlife Program for migratory waterfowl habitat improvement, to be expended according to the designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

FOR:	
Operating Expenses	$150,000
Capital Outlay	250,000
TOTAL	$400,000
FROM:	
Fish and Game Account	$400,000

Approved April 3, 1987.

CHAPTER 287
(H.B. No. 52)

AN ACT

RELATING TO DEFINITIONS; AMENDING SECTION 63-113, IDAHO CODE, TO CLARIFY THE DEFINITION OF OPERATING PROPERTY FOR AD VALOREM TAX PURPOSES; AND AMENDING SECTION 63-114A, IDAHO CODE, TO INCLUDE CABLE TELEVISION, TELECOMMUNICATION, INTRASTATE WATER TRANSPORTATION, AND POWER PRODUCTION COMPANIES WITHIN THE DEFINITION OF PUBLIC UTILITIES FOR AD VALOREM TAX PURPOSES.

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

SECTION 1. That Section 63-113, Idaho Code, be, and the same is hereby amended to read as follows:

63-113. OPERATING PROPERTY DEFINED. The term "operating property" as used in chapters 1 through 22, title 63, Idaho Code, shall include all franchises~~,~~; rights of way~~,~~; roadbeds~~,~~; tracks~~,~~; pipe lines~~,~~; ~~interstate~~ water transportation tugs, boats, barges, equipment and docks~~,~~; terminals~~,~~; rolling stock~~,~~; equipment~~,~~; power stations~~,~~; power sites~~,~~; lands~~,~~; reservoirs, generating plants and substations~~,~~; and all immovable or movable property operated in connection with any public utility or car company ~~including the operating property of all railroads, telegraph, telephone, electric current transmission and distribution lines, pipe lines for the transportation of commodities, including water under the jurisdiction of the Idaho public utilities commission, interstate water transportation companies~~, wholly or partly within this state, and reasonably necessary to the maintenance and operation of such road or line, or in conducting its business, and shall include all title and interest in such property, as owner, lessee or otherwise.

SECTION 2. That Section 63-114A, Idaho Code, be, and the same is hereby amended to read as follows:

63-114A. PUBLIC UTILITY DEFINED. (1) That the term "public utility," when used in chapters 1 through 22, title 63, Idaho Code, includes electrical companies, telephone companies, telegraph companies, cable television companies, pipeline companies, natural gas distribution companies, cogenerators or small power producers within the meaning of section 210 of the public utility regulator policy act of 1980, telecommunication companies providing intercounty or interstate service or charging their users a separately stated fee for the use of its services, and ~~interstate~~ water transportation companies. It also includes water companies, ~~mobile radio and voice telephone communication companies~~ which are under the jurisdiction of the Idaho public utilities commission.

(2) The term "company" as used in this section, includes a corporation, a company, an association and a joint stock association.

Approved April 3, 1987.

CHAPTER 288
(H.B. No. 88, As Amended in the Senate)

AN ACT
RELATING TO HUNTING, FISHING AND PREDATOR CONTROL; AMENDING CHAPTER 15, TITLE 36, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 36-1510, IDAHO CODE, TO PROSCRIBE CERTAIN CONDUCT INTERFERING WITH HUNTING, FISHING AND PREDATOR CONTROL, AND PROVIDING PENALTIES AND REMEDIES.

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

SECTION 1. That Chapter 15, 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 36-1510, Idaho Code, and to read as follows:

36-1510. INTERFERENCE WITH HUNTING, FISHING AND PREDATOR CONTROL. (1) It is a misdemeanor for any person to:

(a) Intentionally interfere with the lawful taking of wildlife or lawful predator control by another; or

(b) Intentionally harass, bait, drive or disturb any animal for the purpose of disrupting lawful pursuit or taking thereof; or

(c) Enter or remain in any area where any animal may be taken with the intent to interfere with the lawful taking or pursuit of wildlife; or

(d) Damage or destroy in any way any lawful hunting blind with the intent to interfere with its usage for hunting.

(2) Any fish and game enforcement officer or peace officer who reasonably believes that a person has violated provisions of this section may arrest such person therefor.

(3) The conduct declared unlawful in this section does not include any incidental interference arising from lawful activity by land users or interference by a landowner or members of his immediate family arising from activities on his own property.

(4) Every person convicted or entering a plea of guilty or of nolo contendere for violation of this section is subject to a fine of not to exceed one thousand five hundred dollars ($1,500) or confinement for six (6) months in the county jail, or both such fine and confinement.

(5) In addition to the penalties provided in subsection (4) of this section, any person who is damaged by any act prohibited in this section may recover treble civil damages. A party seeking civil damages under this subsection (5) may recover upon proof of a violation of the provisions of this section by a preponderance of the evidence. The state of Idaho, or any person may have relief by injunction against violations of the provisions of this section. Any party recovering judgment under this subsection (5) may be awarded a reasonable attorney's fee.

Approved April 3, 1987.

CHAPTER 289
(H.B. No. 140, As Amended, As Amended, As Amended in the Senate)

AN ACT

RELATING TO TREATMENT FOR SUBSTANCE ABUSE; AMENDING SECTION 39-301, IDAHO CODE, TO INCLUDE DRUG ADDICTION WITHIN THE POLICY STATEMENT; AMENDING SECTION 39-302, IDAHO CODE, TO PROVIDE DEFINITIONS; AND AMENDING SECTIONS 39-303, 39-304, 39-306, 39-307, 39-307A, 39-308 AND 39-310, IDAHO CODE, TO INCLUDE DRUG ADDICTION WITHIN THE TREATMENT PROGRAM.

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

SECTION 1. That Section 39-301, Idaho Code, be, and the same is hereby amended to read as follows:

39-301. DECLARATION OF POLICY. It is the policy of this state that alcoholics ~~and~~, intoxicated persons or drug addicts may not be subjected to criminal prosecution or incarceration solely because of their consumption of alcoholic beverages or addiction to drugs but rather should be afforded treatment in order that they may lead normal lives as productive members of society.

The legislature hereby finds and declares that it is essential to the health and welfare of the people of this state that action be taken by state government to effectively and economically utilize federal and state funds for alcoholism and drug addiction research, and the prevention and for the treatment and rehabilitation of alcoholics or drug addicts. To achieve this, it is necessary that existing fragmented, uncoordinated and duplicative alcoholism and drug treatment programs be merged into a comprehensive and integrated system for the prevention, treatment and rehabilitation of alcoholics.

The legislature continues to recognize the need for criminal sanctions for those who violate the provisions of the uniform controlled substances act.

SECTION 2. That Section 39-302, Idaho Code, be, and the same is hereby amended to read as follows:

39-302. DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings, unless the context clearly indicates another meaning:

(1) "Director" means the director of the Idaho department of health and welfare.

(2) "Department" means the Idaho department of health and welfare.

(3) "Drug addict" means a person who habitually lacks self-control with respect to the use of addictive drugs, or uses addictive drugs to the extent that his health is substantially impaired or endangered, or his social or economic functions are substantially disrupted.

(4) "Alcoholic" means a person who habitually lacks self-control with respect to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered, or his social or economic functions are substantially disrupted.

(~~4~~5) "Intoxicated person" means a person whose mental or physical functioning is substantially impaired as a result of the use of drugs or alcohol.

(~~5~~6) "Approved public treatment facility" means a treatment agency operating under this act through a contract with the department of health and welfare pursuant to section 39-304(6), Idaho Code, and meeting the standards prescribed in section 39-305(1), Idaho Code, and approved pursuant to section 39-305(3), Idaho Code, and rules and regulations promulgated by the board of health and welfare pursuant to this act.

(~~6~~7) "Approved private treatment facility" means a private agency meeting the standards prescribed in section 39-305(1), Idaho Code, and approved under the provisions of section 39-305(3), Idaho Code, and rules and regulations promulgated by the board of health and welfare pursuant to this act.

(~~7~~8) "Incapacitated by alcohol" means that a person, as a result of the use of alcohol or drugs, is unconscious or has his judgment otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

(~~8~~9) "Incompetent person" means a person who has been adjudged incompetent by an appropriate court within this state.

(~~9~~10) "Treatment" means the broad range of emergency, outpatient, intermediate, and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological, and social service care, vocational rehabilitation and career counseling, which may be extended to alcoholics and intoxicated persons and/or drug addicts.

SECTION 3. That Section 39-303, Idaho Code, be, and the same is hereby amended to read as follows:

39-303. DESIGNATION OF STATE SUBSTANCE ABUSE AUTHORITY. The Idaho department of health and welfare is hereby designated as the state substance abuse authority.

(a) Statewide and regional interdepartmental coordinating committees are established, composed of the bureau chiefs or regional program managers of public health, mental health, education, public welfare, correction, highway, public safety, vocational rehabilitation, judicial districts, representatives of local government units, and other appropriate public and private agencies and the bureau chief or regional program managers. The committees shall meet at least quarterly at the call of the bureau chief or regional program managers. The committees shall provide for the coordination of, and exchange of information on, all programs relating to alcoholism and drug addiction, and shall act as a permanent liaison among the departments engaged in activities affecting alcoholics and intoxicated persons and/or drug addicts. The statewide committee shall assist the director and the bureau chief in formulating a comprehensive plan for preven-

tion of alcoholism or drug addiction and for treatment of alcoholics ~~and~~, intoxicated persons and drug addicts.

(b) In exercising their coordinating functions, the committees shall assure that:

(1) The appropriate agencies provide all necessary medical, social, treatment, and educational services for alcoholics ~~and~~, intoxicated persons and drug addicts and for the prevention of alcoholism or drug addiction, without unnecessary duplication of services;

(2) The several agencies cooperate in the use of facilities and in the treatment of alcoholics ~~and~~, intoxicated persons and drug addicts; and

(3) All agencies adopt approaches to the prevention of alcoholism or drug addiction and the treatment of alcoholics ~~and~~, intoxicated persons and drug addicts consistent with the policy of this act.

SECTION 4. That Section 39-304, Idaho Code, be, and the same is hereby amended to read as follows:

39-304. COMPREHENSIVE PROGRAM FOR TREATMENT. (1) The department shall establish a comprehensive and coordinated program for the treatment of alcoholics ~~and~~, intoxicated persons and drug addicts.

(2) The program shall include:

(a) Emergency detoxification treatment and medical treatment directly related thereto provided by a facility affiliated with or part of the medical service of a general hospital;

(b) Inpatient treatment;

(c) Intermediate treatment; and

(d) Outpatient and follow-up treatment.

(3) The department shall provide for adequate and appropriate treatment for ~~alcoholics and intoxicated~~ persons admitted pursuant to section 39-307, Idaho Code. Treatment shall not be provided at a correctional institution except for inmates.

(4) The department shall maintain, supervise, and control all facilities operated by it. The administrator of each such facility shall make an annual report of its activities to the director in the form and manner the director specifies.

(5) All appropriate public and private resources shall be coordinated with and utilized in the program whenever possible.

(6) The department shall prepare, publish and distribute annually a list of all approved public and private treatment facilities.

(7) The department may contract for the use of any facility as an approved public treatment facility if the director considers this to be an effective and economical course to follow.

(8) The program shall include an individualized treatment plan prepared and maintained for each client.

SECTION 5. That Section 39-306, Idaho Code, be, and the same is hereby amended to read as follows:

39-306. ACCEPTANCE FOR TREATMENT -- RULES. The board of health and welfare shall adopt rules for the acceptance of persons into the

treatment program, considering available treatment resources and facilities, for the purpose of early and effective treatment of alcoholics and, intoxicated persons and drug addicts. In establishing the rules the board shall be guided by the following standards:

(1) If possible a patient shall be treated on a voluntary rather than an involuntary basis.

(2) A patient shall be initially assigned or transferred to outpatient or intermediate treatment, unless he is found to require inpatient treatment.

(3) A person shall not be denied treatment solely because he has withdrawn from treatment against medical advice on a prior occasion or because he has relapsed after earlier treatment.

(4) An individualized treatment plan shall be prepared and maintained on a current basis for each patient.

(5) Provision shall be made for a continuum of coordinated treatment services, so that a person who leaves a facility or a form of treatment will have available and utilize other appropriate treatment.

SECTION 6. That Section 39-307, Idaho Code, be, and the same is hereby amended to read as follows:

39-307. VOLUNTARY TREATMENT OF ALCOHOLICS AND ADDICTS. (1) An alcoholic or an addict may apply for voluntary treatment directly to any approved public treatment facility. If the proposed patient is a minor or an incompetent person, he, a parent, legal guardian, or other legal representative shall make the application.

(2) Subject to rules adopted by the board of health and welfare, the director or his designee may determine who shall be admitted to an approved public treatment facility.

(3) If a patient receiving inpatient care leaves an approved public treatment facility, he shall be encouraged to consent to appropriate outpatient or intermediate treatment, and the department shall assist in obtaining supportive services and residential facilities.

(4) If a patient leaves an approved public treatment facility, upon the recommendation of departmental staff, the department shall make reasonable provisions for his transportation to another facility or to his home. If he has no home, he shall be assisted in obtaining shelter. If the patient is a minor or an incompetent person, the request for discharge from an inpatient facility shall be made by a parent, legal guardian, or other legal representative or by the minor or incompetent if he were the original applicant.

SECTION 7. That Section 39-307A, Idaho Code, be, and the same is hereby amended to read as follows:

39-307A. PROTECTIVE CUSTODY. (a) An intoxicated or drug addicted person may come voluntarily to an approved public treatment facility for emergency treatment. A person who appears to be intoxicated in a public place and to be in need of help, if he consents to the proffered help, may be assisted to his home, an approved public treatment facility, an approved private treatment facility, or other health facility by a law enforcement officer.

(b) A person who appears to be incapacitated by alcohol or drugs shall be taken into protective custody by a law enforcement officer and forthwith brought to an approved treatment facility for emergency treatment. If no approved treatment facility is readily available he may be taken to a city or county jail where he may be held until he can be transported to an approved treatment facility, but in no event shall such confinement extend more than twenty-four (24) hours. A law enforcement officer, in detaining the person and in taking him to an approved treatment facility, is taking him into protective custody and shall make every reasonable effort to protect his health and safety. In taking the person into protective custody, the detaining officer may take reasonable steps to protect himself. A taking into protective custody under this section is not an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

(c) A person who comes voluntarily or is brought to an approved treatment facility shall be examined as soon as possible. He may then be admitted as a patient or referred to another health facility. The referring approved treatment facility shall arrange for his transportation.

(d) A person who by examination is found to be incapacitated by alcohol or drugs at the time of his admission or to have become incapacitated at any time after his admission, may not be detained at the facility (1) once he is no longer incapacitated by alcohol or drugs or (2) if he remains incapacitated by alcohol or drugs for more than seventy-two (72) hours after admission as a patient. A person may consent to remain in the facility as long as the person in charge believes appropriate.

(e) If a patient is admitted to an approved treatment facility, his family or next of kin shall be notified as promptly as possible. If an adult patient who is not incapacitated requests that there be no notification, his request shall be respected.

(f) Law enforcement officers, personnel of the department, and personnel of an alcohol or drug treatment facility who act in compliance with this section are acting in the course of their official duty and are not criminally or civilly liable therefor.

(g) If the person in charge of the approved treatment facility determines it is for the patient's benefit, the patient shall be encouraged to agree to further diagnosis and appropriate voluntary treatment.

(h) That any person taken to a seventy-two (72) hour evaluation and treatment facility shall be informed immediately that he has the right to request and take a chemical test in order to ascertain whether he is an intoxicated or addicted person. If the person requests to take the test and the professional person in charge of the facility then determines that the person taken to the facility is not intoxicated or addicted, he shall immediately release him. A record shall be maintained by the facility of the results of the test.

SECTION 8. That Section 39-308, Idaho Code, be, and the same is hereby amended to read as follows:

39-308. RECORDS OF ALCOHOLICS ~~AND~~, INTOXICATED OR ADDICTED PERSONS. (1) The registration and other records of treatment facilities shall remain confidential, and are privileged to the patient.

(2) Notwithstanding subsection (1) of this section, the director may make available information from patients' records for purposes of research into the causes and treatment of alcoholism or drug addiction. Information under this subsection shall not be published in a way that discloses patients' names or other identifying information.

SECTION 9. That Section 39-310, Idaho Code, be, and the same is hereby amended to read as follows:

39-310. CRIMINAL LAW LIMITATIONS. (1) With the exception of minors below the statutory age for consuming alcoholic beverages and of persons affected by the provisions of subsection (3) herein, no person shall be incarcerated or prosecuted criminally or civilly for the violation of any law, ordinance, resolution or rule that includes drinking, being a common drunkard, or being found in an intoxicated or addicted condition as one of the elements of the offense giving rise to criminal or civil penalty or sanction.

(2) No county, municipality, or other political subdivision may interpret or apply any law of general application to circumvent the provision of subsection (1) of this section.

(3) Nothing in this act shall affect any law, ordinance, resolution, or rule against drunken driving, driving under the influence of alcohol or drugs, or other similar offense involving the operation of a vehicle, aircraft, boat, machinery, or other equipment, or regarding the sale, purchase, dispensing, possessing, or use of alcoholic beverages or drugs at stated times and places or by a particular class of persons.

(4) This act shall not limit or alter the terms or effect of section 18-116, Idaho Code.

(5) Nothing in this act shall affect the enforcement of any other provisions of the uniform controlled substances act.

Approved April 3, 1987.

CHAPTER 290
(H.B. No. 157)

AN ACT

RELATING TO TAXABLE INCOME FOR INCOME TAX PURPOSES; REPEALING SECTION 63-3022G, IDAHO CODE; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 63-3022G, Idaho Code, be, and the same is hereby repealed.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1987.

Approved April 3, 1987.

CHAPTER 291
(H.B. No. 178)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-316, IDAHO CODE, TO REMOVE OUTDATED LANGUAGE, TO PROVIDE THAT FOREIGN INSURERS WHICH MEET THE SPECIFIED REQUIREMENTS ARE NOT REQUIRED TO MAINTAIN A DEPOSIT OF CASH OR SECURITIES IN THE STATE OF IDAHO FOR THE PROTECTION OF INSUREDS AND CREDITORS WITHIN THE STATE OF IDAHO, AND TO PROVIDE THAT THE RETURN OF THE DEPOSITS SHALL NOT REQUIRE A HEARING.

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

SECTION 1. 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, the insurer is a member in good standing of such state's insurance guaranty associa-

tion or other legal entity created for the same purpose, and such guaranty association does and shall provide protection for ~~Idaho--policyholders--and--creditors~~ its own state's residents.

(~~c~~b) 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, except that the release and return of deposits brought about by changes to section 41-316(2), Idaho Code, effective July 1, 1987, shall not require a hearing thereon as required under section 41-812(2), 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 April 3, 1987.

CHAPTER 292
(H.B. No. 179)

AN ACT

RELATING TO INSURANCE; AMENDING SECTION 41-4302, IDAHO CODE, TO PROVIDE THAT THE GUARANTY ASSOCIATION IS CREATED TO GUARANTEE THE PAYMENT OF BENEFITS TO, AND GUARANTEE THE CONTINUATION OF COVERAGES, FOR IDAHO RESIDENTS ONLY; AMENDING SECTION 41-4308, IDAHO CODE, TO PROVIDE THAT THE POWERS AND DUTIES OF THE GUARANTY ASSOCIATION SHALL BE EXERCISED FOR THE BENEFIT OF IDAHO RESIDENTS

PRIMARILY, AND PROVIDING CONDITIONS FOR WHEN THE POWERS AND DUTIES OF THE GUARANTY ASSOCIATION MAY BE EXERCISED FOR NONRESIDENTS; AND AMENDING SECTION 41-4312, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR NEED NOT NOTIFY INSURANCE COMMISSIONERS IN OTHER STATES IF HE ISSUES AN ORDER REQUIRING AN INSURANCE COMPANY TO, FOR EXAMPLE, INCREASE ITS SURPLUS OR CEASE PREMIUM WRITING, FOR THE SECURITY OF CREDITORS.

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

SECTION 1. That Section 41-4302, Idaho Code, be, and the same is hereby amended to read as follows:

41-4302. PURPOSE. The purpose of this act is to protect policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts, and supplemental contracts, subject to certain limitations, against failure in the performance of contractual obligations due to the impairment of insolvency of the insurer issuing such policies or contracts. To provide this protection, (1) an association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages, to residents, (2) members of the association are subject to assessment to provide funds to carry out the purpose of this act, and (3) the association is authorized to assist the director in the prescribed manner, in the detection and prevention of insurer impairments or insolvencies.

SECTION 2. That Section 41-4308, Idaho Code, be, and the same is hereby amended to read as follows:

41-4308. POWERS AND DUTIES OF THE ASSOCIATION. In addition to the powers and duties enumerated in other sections of this act~~,~~:

(1) If a domestic insurer is an impaired insurer, the association may, subject to any conditions imposed by the association, other than those which impair the contractual obligations of the impaired insurer, and approved by the impaired insurer and the director:

(a) Guarantee or reinsure, or cause to be guaranteed, assumed, or reinsured, any or all of the covered policies of residents of the impaired insurers;

(b) Provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate and assure payment of the contractual obligations to residents of the impaired insurer pending action under subsection (a) above;

(c) Loan money to the impaired insurer.

(d) This chapter shall provide coverage for the policies and contracts specified in subsection (1), for persons who are not residents, but only under the following conditions:

(i) The insurers which issued such policies or contracts are domiciled in this state; and

(ii) The director has determined that by statute, similar protection is not available for such nonresidents as that provided in this chapter for residents of this state.

(2) If a domestic insurer is an insolvent insurer, the association shall, subject to the approval of the director:

(a) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of residents of the insolvent insurer;

(b) Assume payment of the contractual obligations to residents of the insolvent insurer; and,

(c) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

(d) This chapter shall provide coverage for the policies and contracts specified in subsection (2), for persons who are not residents, but only under the following conditions:

(i) The insurers which issued such policies or contracts are domiciled in this state; and

(ii) The director has determined that by statute, similar protection is not available for such nonresidents as that provided by this chapter for residents of this state.

(3) If a foreign or alien insurer is an insolvent insurer, the association shall, subject to the approval of the director:

(a) Guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of residents;

(b) Assure payment of the contractual obligations of the insolvent insurer to residents; and

(c) Provide such monies, pledges, notes, guarantees, or other means as are reasonably necessary to discharge such duties.

Provided, however, that this subsection shall not apply where the director has determined that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides, by statute, protection substantially similar to that provided by this act for residents of this state.

(4) (a) In carrying out its duties under subsections (2) and (3) of this section, permanent policy liens, or contract liens may be imposed in connection with any guarantee, assumption or reinsurance agreement, if the court:

(i) Finds that the amounts which can be assessed under this act are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations, or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of policy or contract liens, to be in the public interest~~,~~; and

(ii) Approves the specific policy liens or contract liens to be used.

(b) Before being obligated under subsections (2) and (3) of this section the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to any contractual provisions for deferral of cash or policy loan values and such temporary moratoriums and liens may be imposed if they are approved by the court.

(5) If the association fails to act within a reasonable period of time as provided in subsections (2) and (3) of this section, the director shall have the powers and duties of the association under

this act with respect to insolvent insurers.

(6) The association may render assistance and advice to the director upon his request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer.

(7) The association shall have standing to appear before any court in this state with jurisdiction over an impaired or insolvent insurer concerning which the association is or may become obligated under this act. Such standing shall extend to all matters germane to the powers and duties of the association, including, but not limited to, proposals for reinsuring or guaranteeing the covered policies of the impaired or insolvent insurer and the determination of the covered policies and contractual obligations.

(8) (a) Any person receiving benefits under this act shall be deemed to have assigned the rights under the covered policy to the association to the extent of the benefits received because of this act whether the benefits are payments of contractual obligations or continuation of coverage. The association may require an assignment to it of such rights by any payee, policy or contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any rights or benefits conferred by this act upon such person. The association shall be subrogated to these rights against the assets of any insolvent insurer.

(b) The subrogation rights of the association under this subsection shall have the same priority against the assets of the insolvent insurer as that possessed by the person entitled to receive benefits under this act.

(9) The contractual obligations of the insolvent insurer for which the association becomes or may become liable shall be as great as but no greater than the contractual obligations of the insolvent insurer would have been in the absence of an insolvency unless such obligations are reduced as permitted by subsection (4) of this section but the aggregate liability of the association shall not exceed one hundred thousand dollars ($100,000) in cash values, or three hundred thousand dollars ($300,000) for all benefits, including cash values, with respect to any one life.

(10) The association may~~,~~:

(a) Enter into such contracts as are necessary or proper to carry out the provisions and purposes of this act~~.~~;

(b) Sue or be sued, including taking any legal actions necessary or proper for recovery of any unpaid assessments under section 41-4309, Idaho Code~~.~~;

(c) Borrow money to effect the purposes of this act. Any notes or other evidence of indebtedness of the association not in default shall be legal investments for domestic insurers and may be carried as admitted assets~~.~~;

(d) Employ or retain such persons as are necessary to handle the financial transactions of the association and to perform such other functions as become necessary or proper under this act~~.~~;

(e) Negotiate and contract with any liquidator, rehabilitator, conservator, or ancillary receiver to carry out the powers and duties of the association~~.~~;

(f) Take such legal action as may be necessary to avoid payment of improper claims~~.~~;

(g) Exercise, for the purposes of this act and to the extent approved by the director, the powers of a domestic life or health insurer, but in no case may the association issue insurance policies or annuity contracts other than those issued to perform the contractual obligations of the impaired or insolvent insurer.

SECTION 3. That Section 41-4312, Idaho Code, be, and the same is hereby amended to read as follows:

41-4312. PREVENTION OF INSOLVENCIES. To aid in the detection and prevention of insurer insolvencies or impairments:

(1) It shall be the duty of the director~~,~~:

(a) To notify the insurance commissioners of all the other jurisdictions in which the company is licensed as an insurer when he takes any of the following actions against a member insurer:

(i) Revocation of license;

(ii) Suspension of license;

(iii) Makes any formal order that such company restrict its premium writing, obtain additional contributions to surplus, withdraw from the state, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of policyholders ~~or creditors~~.

Such notice shall be mailed to all insurance commissioners within thirty(30) days following the action taken or the date on which such action occurs.

(b) To report to the board of directors when he has taken any of the actions set forth in (a) of this paragraph or has received a report from any other commissioner indicating that any such action has been taken in another state. Such report to the board of directors shall contain all significant details of the action taken or the report received from another commissioner.

(c) To report to the board of directors when he has reasonable cause to believe from any examination, whether completed or in process, of any member company that such company may be an impaired or insolvent insurer.

(d) To furnish to the board of directors the NAIC Early Warning Tests developed by the National Association of Insurance Commissioners, and the board may use the information contained therein in carrying out its duties and responsibilities under this section. Such report and the information contained therein shall be kept confidential by the board of directors until such time as made public by the director or other lawful authority.

(2) The director may seek the advice and recommendations of the board of directors concerning any matter affecting his duties and responsibilities regarding the financial condition of member companies and companies seeking admission to transact insurance business in this state.

(3) The board of directors may, upon majority vote, make reports and recommendations to the director upon any matter germane to the solvency, liquidation, rehabilitation or conservation of any member

insurer or germane to the solvency of any company seeking to do an insurance business in this state. Such reports and recommendations shall not be considered public documents.

(4) It shall be the duty of the board of directors, upon majority vote, to notify the director of any information indicating any member insurer may be an impaired or insolvent insurer.

(5) The board of directors may, upon majority vote, request that the director order an examination of any member insurer which the board in good faith believes may be an impaired or insolvent insurer. Within thirty (30) days of the receipt of such request, the director shall begin such examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by such persons as the director designates. The cost of such examination shall be paid by the association and the examination report shall be treated as are other examination reports. In no event shall such examination report be released to the board of directors prior to its release to the public, but this shall not preclude the director from complying with subsection (1) of this section. The director shall notify the board of directors when the examination is completed. The request for an examination shall be kept on file by the director but it shall not be open to public inspection prior to the release of the examination report to the public.

(6) The board of directors may, upon majority vote, make recommendations to the director for the detection and prevention of insurer insolvencies.

(7) The board of directors shall, at the conclusion of any insurer insolvency in which the association was obligated to pay covered claims, prepare a report to the director containing such information as it may have in its possession bearing on the history and causes of such insolvency. The board shall cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes for insolvency of a particular insurer, and may adopt by reference any report prepared by such other associations.

Approved April 3, 1987.

CHAPTER 293
(H.B. No. 215)

AN ACT

RELATING TO THE BONDING REQUIREMENTS OF BANK OFFICERS AND EMPLOYEES; AMENDING SECTION 26-213, IDAHO CODE, TO PROVIDE THAT A CERTIFICATE OF DEPOSIT MAY BE PROVIDED TO THE DIRECTOR OF THE DEPARTMENT OF FINANCE IN LIEU OF A BOND; AND DECLARING AN EMERGENCY.

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. (1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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.

(6) 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.

(7) 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 or financial institution 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.

(8) In lieu of the bonds required in subsection (7) of this section, a bank may, with the approval of the director of the department of finance, provide to the director a certificate of deposit issued by any other bank in the state of Idaho. The principal amount of the certificate of deposit shall be payable to the director and shall be in an amount to be determined by the director, but not less than two hundred fifty thousand dollars ($250,000). The interest on the certificate of deposit shall be payable to the bank providing the certificate of deposit to the director. The certificate of deposit shall be maintained at all times the bank is authorized to do business under this chapter, and for a period of time thereafter to be determined by the director, but not to exceed three (3) years.

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

(10) 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.

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, 1987.

CHAPTER 294
(H.B. No. 229)

AN ACT

RELATING TO THE ACQUISITION OF FINANCIAL INSTITUTIONS; AMENDING SECTION 26-2603, IDAHO CODE, TO DEFINE WHEN A BANK MAY BE DETERMINED TO BE FAILING; AMENDING SECTION 26-2605, IDAHO CODE, TO DELETE REQUIREMENTS THAT ACQUIRING INSTITUTIONS BE FROM CONTIGUOUS STATES WHICH GRANT AUTHORITY FOR IDAHO INSTITUTIONS TO ACQUIRE INSTITUTIONS ON SIMILAR TERMS; AMENDING SECTION 26-2607, IDAHO CODE, TO AUTHORIZE THE DIRECTOR OF THE DEPARTMENT OF FINANCE TO DETERMINE FAILING FINANCIAL INSTITUTIONS, AND TO SOLICIT OFFERS AND AUTHORIZE ACQUISITIONS BY FINANCIAL INSTITUTIONS AND HOLDING COMPANIES ORGANIZED AND OPERATING UNDER STATE OR FEDERAL LAW; AMENDING SECTION 26-2612, IDAHO CODE, TO CLARIFY SEVERABILITY; DECLARING AN EMERGENCY FOR CERTAIN PORTIONS OF THE ACT AND PROVIDING EFFECTIVE DATES FOR OTHER PORTIONS OF THE ACT.

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

SECTION 1. That Section 26-2603, Idaho Code, be, and the same is hereby amended to read as follows:

26-2603. DEFINITIONS. As used in this chapter:

(1) "Applicant" means an out-of-state financial institution or an out-of-state financial institution holding company which has submitted an application under section 26-2605, Idaho Code.

(2) "Control." A person has "control" of a financial institution or financial institution holding company if the person:

(a) Directly or indirectly, owns, controls or has the power to vote twenty-five percent (25%) or more of any class of voting securities of the financial institution or financial institution holding company;

(b) The person, directly or indirectly, controls the election of a majority of the directors or trustees of the financial institution or financial institution holding company; or

(c) The person, directly or indirectly, directs or exercises a controlling influence over the management or policies of the financial institution or financial institution holding company.

There is a rebuttable presumption that a person has control of a financial institution or financial institution holding company if the person owns, controls or has the power to vote five percent (5%) or more of the voting securities of the financial institution or financial institution holding company. Owning voting securities in a fiduciary capacity does not constitute "control" unless the director determines, after notice and an opportunity for hearing, that the person exercises a controlling influence over the management or policies of the financial institution or financial institution holding company. No person shall be deemed to have control of a financial institution or financial institution holding company by virtue of the person's ownership or control of shares acquired by him in connection

with his underwriting of shares in the financial institution or financial institution holding company which are held only for such period of time as will permit the sale thereof on an orderly and reasonable basis, and no person shall be deemed to have control of a financial institution or financial institution holding company by virtue of his ownership or control of shares acquired and held in the ordinary course of securing or collecting a debt previously contracted in good faith and which is held only for such period of time as will permit the sale thereof on an orderly and reasonable basis, which period of time shall have a duration of no more than two (2) years.

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

(4) "Financial institution" means any state bank, national bank, trust company, association, federal association, or credit union, as those terms are defined in title 26, Idaho Code, or any federal credit union organized under the federal credit union act (12 U.S.C. section 1751, et seq.). The term also includes any other institution which holds and receives deposits, savings or share accounts; issues certificates of deposit; or provides to its customers any deposit accounts which are subject to withdrawal by check, instrument, order or electronic means to effect third-party payments.

(5) "Financial institution holding company" means a person, other than an individual, that has or acquires control over any financial institution.

(6) "Idaho financial institution" means a financial institution whose operations are principally conducted in this state.

(7) "Idaho financial institution holding company" means a financial institution holding company whose principal place of business is, and whose operations are principally conducted in, this state. "Idaho financial institution holding company" also means an out-of-state financial institution holding company which lawfully has control of an Idaho financial institution on the effective date of this chapter.

(8) "In danger of failing" means a financial institution is in danger of failing if: (i) the financial institution is not likely to be able to meet the demands of its depositors or pay its obligations in the normal course and there is no reasonable prospect for it to do so without federal or other governmental assistance; or (ii) the financial institution has incurred or is likely to incur losses that will deplete all or substantially all of its capital and there is no reasonable prospect for replenishing the financial institutions' capital without federal or other governmental assistance.

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

(910) "Principally conducted." The operations of a financial institution are "principally conducted" in the state in which the total deposits of the financial institution are largest. The operations of a financial institution holding company are principally conducted in the state in which the financial institution holding company's financial institution subsidiary having the largest percentage of the total deposits of all of the financial institution subsidiaries of the holding company is located.

(101) "Out-of-state financial institution" means a financial

institution whose operations are principally conducted outside this state.

(1~~1~~2) "Out-of-state financial institution holding company" means a financial institution holding company whose principal place of business is, and whose operations are principally conducted, outside this state.

SECTION 2. That Section 26-2605, Idaho Code, be, and the same is hereby amended to read as follows:

26-2605. ACQUISITION BY OUT-OF-STATE COMPANY ---~~RECIPROCITY.~~ ~~(1)~~ If an application has been submitted by such out-of-state financial institution or out-of-state financial institution holding company to, and prior written approval has been obtained from the director, pursuant to section 26-2606, Idaho Code, a~~A~~n out-of-state financial institution or an out-of-state financial institution holding company may:

(a) Acquire control of;

(b) Acquire all or substantially all of the assets of;

(c) Merge or consolidate with; or

(d) Assume the deposit liabilities of an Idaho financial institution or an Idaho financial institution holding company ~~if--all the--conditions--set--forth--in-subsection-(2)-of-this-section-are met:~~

~~(2)--(a)--An-application-has-been-submitted-by--such--out-of-state financial--institution-or-out-of-state-financial-institution-holding-company-to,-and-prior-written-approval-has-been-obtained-from, the-director,-pursuant-to-section-26-2606,-Idaho-Code:~~

~~(b) (i)--In-the-case-of-an-applicant--which--is--an--out-of-state financial--institution,--its--operation--shall-be-principally conducted-in-Washington,-Oregon,--Nevada,--Utah,--Wyoming--or Montana;--and--if--that-out-of-state-financial-institution-is controlled,-directly-or--indirectly,--by--one--or--more--out-of-state--financial--institution-holding-companies,-each-such holding-company-shall-also-be-in-compliance--with--subsection (2)(b)(ii)-of-this-section:~~

~~(ii)--In--the--case--of-an-applicant-which-is-an-out-of-state financial-institution-holding--company,--both--its--principal place--of-business-is-located-in-and-its-operations-are-principally-conducted-in-one-(1)-of-the-following--states:--Washington,--Oregon,--Nevada,--Utah,--Wyoming-or-Montana-and-such out-of-state-financial-institution--holding--company--is--not controlled--directly--or-indirectly-by-an-out-of-state-financial-institution-holding-company-the-operations-of-which--are not-principally-conducted-in-one-of-those-states;-and~~

~~(c)--The--director--finds--that-the-statutes-of-the-state-in-which the-operations-of-the-out-of-state-financial-institution-are-principally-conducted;-or-in-the-case--of--an--out-of-state--financial institution--holding-company,-the-one-(1)-state-in-which-the-operations-are-principally-conducted-and--its--principal--business--is located,--expressly--authorize--an--Idaho-financial-institution-or Idaho-financial-institution-holding-company-to:~~

~~(i) Acquire control of;~~
~~(ii) Acquire all of the assets of;~~
~~(iii) Merge or consolidate with; or~~
~~(iv) Assume the deposit liabilities of an out-of-state financial institution whose operations are principally conducted in such state or an out-of-state financial institution holding company whose operations are principally conducted in such state, under terms and conditions substantially comparable to those imposed in this chapter.~~

SECTION 3. That Section 26-2607, Idaho Code, be, and the same is hereby amended to read as follows:

26-2607. ACQUISITION OF FAILING FINANCIAL INSTITUTION. (1) Notwithstanding any provision of the laws of this state to the contrary, if the director determines, in his discretion, that an Idaho financial institution is in danger of failing, or takes possession of a failing Idaho financial institution pursuant to the provisions of title 26, Idaho Code, and if the director deems it to be in the public interest and necessary to protect depositors, creditors and other customers of that financial institution, the director may solicit offers from, and authorize or require the acquisition of such failing Idaho financial institution by ~~an out-of-state~~ financial institution or ~~by an out-of-state~~ financial institution holding company organized and operated under the laws of any state or the United States. Acquisition may be through merger, consolidation, purchase of all or substantially all of the assets and assumption of liabilities, or purchase of all or a controlling part of the shares of the acquired institution.

~~(2) In applying the criteria set forth in subsection (3) of this section, and in evaluating the offers for the acquisition of such failing Idaho financial institutions, the director shall adhere to the following order of preference in approving such acquisition subject to the determination required by subsection (3)(a) of this section:~~
~~(a) First, Idaho financial institutions of the same class or their Idaho financial institution holding companies;~~
~~(b) Second, Idaho financial institutions of a different class or their Idaho financial institution holding companies;~~
~~(c) Third, out-of-state financial institutions of the same class or their out-of-state financial institution holding companies, if the operations of such institutions are principally conducted in Washington, Oregon, Nevada, Utah, Wyoming or Montana; or, in the case of their holding companies, both their principal place of business is located in and their operations are principally conducted in one (1) of those states;~~
~~(d) Fourth, out of state financial institutions of a different class or their out-of state financial institution holding companies, if the operations of such institutions are principally conducted in Washington, Oregon, Nevada, Utah, Wyoming or Montana; or, in the case of their holding companies, both their principal place of business is located in and their operations are principally conducted in one (1) of those states.~~

~~(3)~~ The director may not, under this section, accept any offers

from, or authorize or require any acquisition by an out-of-state financial institution or out-of-state financial institution holding company under this section as described in subsection (1) of this section, unless he finds that:

(a) No Idaho financial institution or Idaho financial institution holding company is willing to acquire the failing Idaho financial institution on at least as favorable terms as the out-of-state financial institution or out-of-state financial institution holding company is willing to offer;

(b) (i) The operations of the out-of-state financial institution are principally conducted in Washington, Oregon, Nevada, Utah, Wyoming or Montana; and if the out-of-state financial institution holding company is controlled directly or indirectly by one or more out-of-state financial institution holding companies, each such holding company shall also be in compliance with subsection (3)(b)(ii) of this section;

(ii) In the case of an out-of-state financial institution holding company, both its principal place of business is located in and its operations are principally conducted in Washington, Oregon, Nevada, Utah, Wyoming or Montana; and such out-of-state financial institution holding company is not controlled directly or indirectly, by an out-of-state financial institution holding company the operations of which are not principally conducted in one (1) of those states.

(c) The out-of-state financial institution or out-of-state financial institution holding company has demonstrated an acceptable record of meeting the credit needs of the communities it serves; and

(d) The out-of-state financial institution or out-of-state financial institution holding company has a record of sound performance, capital adequacy, financial capacity and efficient management such that the acquisition would not jeopardize the financial stability of the acquired institution and would not be detrimental to the interests of depositors, creditors, or other customers of the acquired institution or the public interest.

(4) To protect the interest of depositors, creditors and other customers of a failing Idaho financial institution, the director may waive any of the procedures set forth in section 26-2606, Idaho Code, or in any regulation of the department if he deems it necessary to implement the purposes of this section.

SECTION 4. That Section 26-2612, Idaho Code, be, and the same is hereby amended to read as follows:

26-2612. EFFECT OF INVALIDITY OF PART OF THIS CHAPTER SEVERABILITY. (1) If a court of competent jurisdiction shall adjudge to be invalid or unconstitutional any clause, sentence, paragraph, section or part of this chapter, except as provided in subsection (2) of this section, 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.

~~(2) In the event that a final judgment of the highest court to which an appeal may be taken as a matter of right in the state or the United States judicial system of which that court is a part should hold, adjudge or decree that any portion of this chapter is invalid by virtue of the requirement of substantial comparability in section 26-2605(2)(c), Idaho Code, or the limitations of sections 26-2605 and 26-2607, Idaho Code, to persons whose operations are principally conducted in or whose principal place of business is located in the states named in those sections, then the authority granted by this chapter to approve transactions involving out-of-state financial institutions and out-of-state financial institution holding companies shall cease, provided, however, that nothing contained in this section shall invalidate any transaction which has been approved prior to any such final judgment.~~

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, the amendments to Section 26-2603, Idaho Code, which are enacted by Section 1 of this act, and the amendments to Section 26-2607, Idaho Code, which are enacted by Section 3 of this act, shall be in full force and effect on and after the passage and approval of this act. The remaining provisions shall be in full force and effect on and after January 1, 1988.

Approved April 3, 1987.

CHAPTER 295
(H.B. No. 232)

AN ACT

RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2222, IDAHO CODE, TO CORRECT A TYPOGRAPHICAL ERROR; AND AMENDING SECTION 26-2240, IDAHO CODE, TO ALLOW A LICENSEE TO BE EMPLOYED BY MORE THAN ONE PERMITTEE UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 26-2222, Idaho Code, be, and the same is hereby amended to read as follows:

26-2222. DEFINITIONS. As used in this act:

(1) "Agent" means any person who is compensated on a commission basis or by salary, or both, by any permittee.

(2) "Business funds" means all moneys belonging to or due the permittee in connection with the operation of a collection agency business.

(3) "Collection agency," "collection bureau" or "collection office" shall be a person who engages in any of the activities enumerated in section 26-2223, Idaho Code.

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

(5) "Creditor" means any person who transfers to a permittee

accounts due and owing for collection purposes.

(6) "Creditors' account" means all funds due and owing a creditor within the definition of this act.

(7) "Licensee" means any person licensed by the director who is employed by a collection agency and whose primary function is as a solicitor engaged in collection or receiving payment or soliciting the receiving or collection of payment for others of any account, bill or other indebtedness for the collection agency.

(8) "Net collections" means all funds that are due to creditors from the permittee pursuant to the contract between the permittee and creditor, without taking into account any offset or funds due from the creditor to the permittee, because of the creditor having collected any part of the account due, plus all funds that the permittee agreed to return to debtors or that were not to be applied to debts.

(9) "Permittee" means a person who has a permit to do business as a collection agency in Idaho.

(10) "Person" means any permittee, licensee, agent, solicitor, individual, corporation, association, co-partnership, trust, company or unincorporated organization.

SECTION 2. That Section 26-2240, Idaho Code, be, and the same is hereby amended to read as follows:

26-2240. LICENSE TO ACT AS AGENT -- APPLICATION -- EXAMINATION OR HEARING -- FORM OF LICENSE -- FEE. (1) No person shall act as a licensee of any firm, company or person holding a permit under this act without first obtaining a license to do so.

Applications for a license shall be made to the director on forms prescribed by the director and shall contain such information as the director deems necessary to determine the applicant's residence, ability, experience and moral responsibility. Such application shall be accompanied by an initial license fee as fixed by the director, but not to exceed twenty dollars ($20.00).

The director shall within thirty (30) days examine such application and in his discretion shall have power and authority to also within said time require an oral or written examination or hearing to test the applicant's responsibility and fitness, such examination or hearing to be conducted by the director or by a person designated by him.

Such license, if issued, shall be in the form of an identification card, issued for the calendar year in which issued and shall contain such information as the director may prescribe. The licensee shall have his license in his immediate possession at all times while engaged in the business or activity herein licensed and shall display such license upon demand.

(2) Upon application made prior to December 20th of each year, the holder of any license issued shall be entitled to a renewal for the succeeding calendar year upon payment of the renewal fee as fixed by the director, but not to exceed twenty dollars ($20.00). Application for renewal made after December 20th shall be made in the same manner as is required for a license in the first instance.

(3) ~~No~~ A licensee may act for or be employed by more than one (1)

permittee at one (1) time only if each permittee is owned by the same person and only if the licensee obtains a license for each permittee. Upon termination of any employment of a licensee he shall notify the director and surrender his license within ten (10) days of such termination.

(4) No license to act as solicitor may be issued to a person who is not an employee of a permit holder as employee is defined in section 63-3018, Idaho Code.

Approved April 3, 1987.

CHAPTER 296
(H.B. No. 233, As Amended)

AN ACT
RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2232, IDAHO CODE, TO SET A MAXIMUM LIMIT ON REQUIRED BONDS.

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

SECTION 1. That Section 26-2232, Idaho Code, be, and the same is hereby amended to read as follows:

26-2232. BONDS. Upon approval of the application and prior to the issuance of the permit the applicant must file in the department of finance two (2) bonds. Both bonds shall be in a form provided by the attorney general of this state, and shall be executed by the applicant as principal and by some surety company authorized to do business in this state as surety, and shall be for the term of any permit issued to the applicant. Each permittee shall be required to have the two (2) bonds for each permit as hereinafter provided.

(a) A bond shall be executed to the state of Idaho in the sum of five thousand dollars ($5,000) or upon renewal in such larger sum as hereinafter provided. In any case where a permittee or its representatives has failed to account for and pay over the proceeds of any collection made or money received for payment or prorating to creditors, or has failed to return to a debtor any sum received that was not to be applied to his debts, the creditor or debtor shall have in addition to all other legal remedies a right of action in his own name on such bond without the necessity of joining the permittee in such action. The bond shall be continuous in form and shall remain in full force and effect for the permit period. The surety may cancel the bond provided that the surety shall in such event provide the permittee and the commissioner with notice thirty (30) days prior to cancelation of said bond. Such notice shall be by registered or certified mail with request for a return receipt and addressed to the permittee at its main office and to the director. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

Upon renewal of any permit, the permittee shall supply the direc-

tor with a statement of the preceding year's net collections. The amount of the bond upon renewal shall be in the amount of five thousand dollars ($5,000), or two (2) times the average monthly net collections for the preceding year computed to the next highest one thousand dollars ($1,000), whichever sum is greater, up to a maximum of one hundred thousand dollars ($100,000).

(b) A bond shall be executed to the state of Idaho in the sum of two thousand dollars ($2,000), which shall be limited to the indemnification of the department of finance for any and all expenses incurred as a result of investigations, administrative proceedings, and prosecutions which shall be instituted by the director against a permittee or licensee pursuant to this act. The bond shall be continuous in form and remain in full force and effect and run concurrently with the permit period and any renewal thereof. The surety may cancel the bond provided that the surety shall in such event provide the permittee and the director with notice thirty (30) days prior to cancelation of said bond. Such notice shall be registered or certified mail with request for a return receipt and addressed to the permittee at its main office and to the director. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

Approved April 3, 1987.

CHAPTER 297
(H.B. No. 234)

AN ACT

RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2223A, IDAHO CODE, TO EXPAND REQUIREMENTS FOR AN OFFICE MAINTAINED IN IDAHO, TO PROVIDE FOR THE DESIGNATION OF A PERSON RESPONSIBLE FOR THE OFFICE, AND TO SPECIFY COLLECTION PROCEDURES UNDER CERTAIN CIRCUMSTANCES.

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

SECTION 1. That Section 26-2223A, Idaho Code, be, and the same is hereby amended to read as follows:

26-2223A. OFFICE TO BE MAINTAINED IN STATE -- DESIGNATION OF RESPONSIBLE PERSON. Every permittee under this ~~act~~ chapter must maintain an office in the state of Idaho, staffed with at least one (1) natural person, at each location for which a permit is issued. Each ~~office~~ permittee must have a listed Idaho telephone number and must be open to the public during normal business hours on each business day, provided, however, that the director may in his discretion approve a request for opening at hours other than normal business hours or a portion of a business day. A business day within the meaning of this section does not include Saturdays, Sundays, or legal holidays. Each permittee under this ~~act~~ chapter must designate a natural person, who

need not be a resident of the state of Idaho, to be ~~personally--and actively--in--charge-of~~ responsible for the business carried on at ~~any~~ the office ~~for-which-a-permit-is-held.-No-office-may-be-operated-by--a permittee--under--this--act,--unless--the--person-who-is-personally-and actively-in-charge-of-the-operation-of-an-office-doing-business--under this--act--passes~~ and who has passed the examination for a permit required by section 26-2229, Idaho Code~~,-provided-that--persons--operating-under-a-valid-collection-agency-permit-on-July-1,-1974-shall-not be-required-to-comply-with-this-requirement-until-July-1,-1976~~. If the person designated by the permittee to be responsible for business carried on at the office is not normally available in the Idaho office, then the permittee's collection activities with debtors must begin with a written notice to each debtor setting forth a mailing address and a toll-free telephone number whereby a debtor may contact the designated responsible person during normal business hours.

Approved April 3, 1987.

CHAPTER 298
(H.B. No. 249, As Amended in the Senate)

AN ACT
RELATING TO SPECIAL FUELS PERMITS; AMENDING SECTION 63-2439, IDAHO CODE, TO PROVIDE FOR REPORTING OF SPECIAL FUELS TAX DUE.

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

SECTION 1. That Section 63-2439, Idaho Code, be, and the same is hereby amended to read as follows:

63-2439. RETURNS AND PAYMENT BY HOLDERS OF SPECIAL FUELS PERMITS. (1) For the purpose of reporting the amount of tax due and payable under section 63-2417, Idaho Code, each person ~~who--consumes--special fuels--in--the-propulsion-of-a-motor-vehicle-upon-the-highways-of-this state,-which-displays~~ issued a special fuels permit as required under section 63-2438, Idaho Code, shall file with the commission in the manner and form prescribed by it, a ~~quarterly~~ tax return. The return may be filed annually, semiannually, or quarterly, as permitted by the tax commission. Such return shall contain a declaration by the person making the same, to the effect that the statements contained therein are true and are made under penalties of perjury, which declaration shall have the same force and effect as a verification of the return and shall be in lieu of such verification. The return shall show such information as the commission may reasonably require for the proper administration and enforcement of this chapter. The return shall be filed on or before the last day of the next scheduling calendar month following the ~~quarterly~~ period to which it relates.

If the final filing date falls on Saturday, Sunday or a legal holiday, the next secular or business day shall be the final filing date. Such reports shall be considered filed or received on the date

shown by the post office cancellation mark stamped upon the envelope containing such report properly addressed to the commission, or on the date it was mailed, if proof satisfactory to the commission establishes the date it was mailed.

(2) The ~~quarterly~~ tax return shall be accompanied by the remittance covering the tax due hereunder, for use of special fuels during the preceding ~~quarter~~ reporting period. The tax due shall be calculated by multiplying the tax rate per gallon provided in section 63-2405, Idaho Code, by the number of gallons of special fuel consumed in the propulsion of a motor vehicle upon the highways of this state, which displays a special fuels permit, less any tax paid under section 63-2416, Idaho Code. The gallons consumed shall be calculated by dividing the miles traveled on the public highways of this state by such motor vehicles by the fleet average miles per gallon of such motor vehicles.

Approved April 3, 1987.

CHAPTER 299
(H.B. No. 259)

AN ACT

RELATING TO PESTICIDE APPLICATORS; AMENDING SECTION 22-3404, IDAHO CODE, TO PROVIDE REQUIREMENTS FOR LICENSING OF PESTICIDE APPLICATORS.

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

SECTION 1. That Section 22-3404, Idaho Code, be, and the same is hereby amended to read as follows:

22-3404. PESTICIDE APPLICATORS -- CLASSIFICATION LICENSING REQUIREMENTS. (1) The director may classify pesticide applicator licenses issued under this act. Such classifications may include but are not limited to commercial applicators, limited applicators, and private applicators. Separate licensing requirements and testing procedures may be utilized for each classification.

(2) Commercial Applicators - no individual shall act as a commercial applicator without first obtaining a commercial applicator's license issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to apply, use and handle pesticides in areas relevant to the operations he intends to undertake; and

(c) ~~insurance, bond, or cash deposit in escrow must be provided for~~ show proof of financial responsibility as prescribed by regulation; and

(d) an applicant must pay an annual license fee and registration fee for each piece of spraying equipment as prescribed by regulation; and

(e) an examination fee will be charged as prescribed by regulation and an additional examination fee of five dollars ($5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(f) if at any time a licensed commercial applicator fails to maintain the financial responsibility required by paragraph (c) of this subsection, his license shall be automatically suspended until the department receives verification that he is in compliance with paragraph (c) of this subsection.

(3) Commercial Operators - no individual shall act as a commercial operator without first obtaining a commercial operator license issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to apply, use and handle pesticides in areas relevant to the operations he intends to undertake; and

(c) an examination fee will be charged as prescribed by regulation and an additional examination fee of five dollars ($5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(d) an applicant must pay an annual license fee as prescribed by regulation; and

(e) an applicant must be employed by a licensed commercial applicator.

(4) Limited Applicator - no individual shall act as a limited applicator without first obtaining a limited applicator's license issued by the department.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age and must pass the department's examination in order to demonstrate his knowledge of how to use, apply and handle pesticides in areas relevant to the operations he plans to undertake; and

(c) an examination fee will be charged as prescribed by regulation and an additional examination fee of five dollars ($5.00) shall be charged when an exam is requested at other than a regularly scheduled examination date; and

(d) an applicant must pay an annual license fee as prescribed by regulation.

(5) Private Applicator - no individual shall act as a private applicator without first fulfilling the licensing requirements prescribed by regulation.

(a) Application for a license shall be on a form prescribed by the department; and

(b) an applicant must be at least eighteen (18) years of age; and

(c) an applicant must pay a license fee as prescribed by regulation.

(6) If the director finds an applicant qualified for a commercial applicator's license, operator's license, limited applicator's license or private applicator's license; and if an applicant applying for a license to engage in the aerial application of pesticides has met all of the requirements of the federal aviation agency and any other applicable federal or state laws and regulations, the director shall issue such license. The license or permit may restrict the applicant to the use of a certain type or types of equipment or pesticides. If a license or permit is not issued as applied for, the department shall inform the applicant in writing of the reasons therefor.

(7) The director may by regulation require commercial or limited applicators to maintain and furnish records forthwith pertaining to the application of pesticides and other relevant information as he may deem necessary.

(8) License expiration:

(a) Licenses issued to commercial applicators, commercial operators, and limited applicators shall expire on December 31, following issuance unless it has been suspended or revoked as provided for in section 22-3409, Idaho Code; and

(b) licenses issued to private applicators shall expire as designated by the director unless suspended or revoked as provided for in section 22-3409, Idaho Code.

(9) Exemptions:

(a) The following individuals are exempt from paragraphs (2), (3), (4) and (5) of this section:

1. Any farmer applying pesticides other than restricted-use pesticides restricted to use only by certified applicators for himself or on an exchange of service basis who does not publicly hold himself out as a commercial applicator; and

2. any individual using hand-powered equipment to apply pesticides other than restricted-use pesticides restricted to use only by certified applicators to lawns, or to ornamental trees and shrubs owned by such person or as an incidental part of his business of taking care of yards for remuneration and not holding himself out as a commercial applicator; and

3. any industry, governmental, University of Idaho research personnel and extension research personnel who apply pesticides other than restricted-use pesticides restricted to use only by certified applicators to experimental plots or to demonstrate the use of pesticides and do not publicly hold themselves out as commercial applicators; and

4. any veterinarian who applies pesticides as an integral part of his business and does not publicly hold himself out as a commercial applicator.

(b) Federal, state, and county agencies are exempt from the licensing fees provision of subsections (2) and (3) of this section.

Approved April 3, 1987.

CHAPTER 300
(H.B. No. 263)

AN ACT

RELATING TO THE APPLE COMMISSION; AMENDING SECTION 22-3610, IDAHO CODE, TO INCREASE THE ASSESSMENT ON PACKED APPLES AND TO PROVIDE FOR AN ASSESSMENT ON APPLES SHIPPED FOR PROCESSING; AND AMENDING SECTION 22-3613, IDAHO CODE, TO INCREASE THE MAXIMUM LIMIT ON ASSESSMENT.

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

SECTION 1. That Section 22-3610, Idaho Code, be, and the same is hereby amended to read as follows:

22-3610. ASSESSMENTS -- PACKED -- FOR PROCESSING. There is hereby levied upon all apples grown annually in this state, and all apples packed as Idaho apples, an assessment of ~~one~~ five cents (~~1~~5¢) on each forty (40) pounds not shipped to processing plants. ~~Provided, however,--this--action--shall--not--apply--to~~ There is also levied an assessment of two dollars and fifty cents ($2.50) per ton on all apples shipped to ~~a~~ processing plants for processing~~, nor~~. This action shall ~~it~~ not apply to any one (1) person, dealer or grower who sells less than one thousand (1,000) pounds of apples in any marketing year. ~~Provided, however, the exemption for shipments or sales to a processing plant for processing may be eliminated by a referendum mail ballot vote conducted by the director of the department among the apple growers of this state, and provided further the vote is approved by a two thirds (2/3) vote of the growers of fifty per cent (50%) or more of the acreage represented in the voting.~~ All moneys collected hereunder shall be expended to effectuate the purposes and objects of this ~~act~~ chapter.

SECTION 2. That Section 22-3613, Idaho Code, be, and the same is hereby amended to read as follows:

22-3613. ASSESSMENT -- INCREASE. If it appears from an investigation that the revenue from the assessment levied hereunder is inadequate to accomplish the purposes of this ~~act~~ chapter, the commission shall file with the director of the department of agriculture a report showing the necessity of the industry, extent and probable cost of the required research, market promotion and advertising, extent of public convenience, interest and necessity, and probable revenue from the assessment desired to be levied. It shall thereupon increase the assessment to a sum not to exceed ~~five~~ ten cents (~~5~~10¢) per forty (40) pounds shipped in bulk, container or any style of package; but no increase shall be made prior to filing of said report and finding. Provided, however, that no increase in such assessment shall become effective unless the same shall first be referred by the commission on a referendum mail ballot of the apple growers of this state, and be approved by two-thirds (2/3) vote of the growers of fifty per cent

(50%) or more of the acreage represented in the voting.

Approved April 3, 1987.

CHAPTER 301
(H.B. No. 271)

AN ACT

RELATING TO COLLECTION AGENCIES; AMENDING SECTION 26-2232, IDAHO CODE, TO PROVIDE THAT A CERTIFICATE OF DEPOSIT MAY BE USED TO MEET BOND REQUIREMENTS.

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

SECTION 1. That Section 26-2232, Idaho Code, be, and the same is hereby amended to read as follows:

26-2232. BONDS. Upon approval of the application and prior to the issuance of the permit the applicant must file in the department of finance two (2) bonds. Both bonds shall be in a form provided by the attorney general of this state, and shall be executed by the applicant as principal and by some surety company authorized to do business in this state as surety, and shall be for the term of any permit issued to the applicant. Each permittee shall be required to have the two (2) bonds for each permit as hereinafter provided. In lieu of the bonds required by this section, a certificate of deposit issued by an Idaho bank and made payable to the director may be provided to the director in the same principal amount as required for bonds. The interest on the certificate of deposit shall be payable to the permittee. The certificate of deposit shall be maintained at all times during which the permittee is authorized to do business under Idaho law, and must provide that it will remain in effect for at least three (3) years following discontinuance of operations, unless released earlier by the director when all statutory requirements have been met.

(a) A bond shall be executed to the state of Idaho in the sum of five thousand dollars ($5,000) or upon renewal in such larger sum as hereinafter provided. In any case where a permittee or its representatives has failed to account for and pay over the proceeds of any collection made or money received for payment or prorating to creditors, or has failed to return to a debtor any sum received that was not to be applied to his debts, the creditor or debtor shall have in addition to all other legal remedies a right of action in his own name on such bond without the necessity of joining the permittee in such action. The bond shall be continuous in form and shall remain in full force and effect for the permit period. The surety may cancel the bond provided that the surety shall in such event provide the permittee and the commissioner with notice thirty (30) days prior to cancelation of said bond. Such notice shall be by registered or certified mail with request for a return receipt and addressed to the permittee at its

main office and to the director. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

Upon renewal of any permit, the permittee shall supply the director with a statement of the preceding year's net collections. The amount of the bond upon renewal shall be in the amount of five thousand dollars ($5,000), or two (2) times the average monthly net collections for the preceding year computed to the next highest one thousand dollars ($1,000), whichever sum is greater.

(b) A bond shall be executed to the state of Idaho in the sum of two thousand dollars ($2,000), which shall be limited to the indemnification of the department of finance for any and all expenses incurred as a result of investigations, administrative proceedings, and prosecutions which shall be instituted by the director against a permittee or licensee pursuant to this act. The bond shall be continuous in form and remain in full force and effect and run concurrently with the permit period and any renewal thereof. The surety may cancel the bond provided that the surety shall in such event provide the permittee and the director with notice thirty (30) days prior to cancelation of said bond. Such notice shall be registered or certified mail with request for a return receipt and addressed to the permittee at its main office and to the director. In no event shall the liability of the surety for any and all claims against the bond exceed the face amount of such bond.

Approved April 3, 1987.

CHAPTER 302
(H.B. No. 273)

AN ACT

RELATING TO THE REDOMESTICATION OF INSURERS; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-342, IDAHO CODE, TO PROVIDE A PROCESS FOR AN INSURER TO RECEIVE A CERTIFICATE OF REDOMESTICATION, TO PROVIDE THAT A DOMESTIC INSURER MAY TRANSFER ITS DOMICILE TO ANOTHER STATE, AND TO PROVIDE FOR THE EFFECT OF A TRANSFER OF CORPORATE DOMICILE; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-343, IDAHO CODE, TO PROVIDE FOR ARTICLES OF REDOMESTICATION; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-344, IDAHO CODE, TO PROVIDE FOR THE EFFECTIVE DATE OF REDOMESTICATION; AMENDING SECTION 41-106, IDAHO CODE, TO PROVIDE AN ADDITIONAL DEFINITION; AND AMENDING SECTION 41-108, IDAHO CODE, TO PROVIDE AN ADDITIONAL DEFINITION.

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

SECTION 1. That Chapter 3, Title 41, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be

known and designated as Section 41-342, Idaho Code, and to read as follows:

41-342. REDOMESTICATION AS A DOMESTIC INSURER -- CONVERSION TO FOREIGN INSURER. (1) Any insurer which is organized under the laws of any other state and is admitted to do business in this state for the purpose of writing insurance may become a domestic insurer by complying with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating its principal place of business at a place in Idaho. Such a domestic insurer shall be entitled to a certificate of redomestication and a certificate of authority to transact business in this state, and shall have the same rights and obligations as other domestic insurers of this state.

(2) Any domestic insurer may, upon the approval of the director, transfer its domicile to any other state in which it is admitted to transact the business of insurance. Upon such a transfer, the insurer shall cease to be a domestic insurer. If the insurer is otherwise qualified, the director shall admit the insurer to this state as a foreign insurer. The director shall approve any such proposed transfer unless he determines that such a transfer is not in the interest of the policyholders of the insurer in this state. After the director has approved the transfer, the director shall provide written notice to the secretary of state that the insurer has transferred its domicile to another state, stating the effective date of the transfer and the state to which the insurer has transferred its domicile. Upon receipt of the written notice from the director and the payment of the fee required in section 30-1-128(n), Idaho Code, the secretary of state shall file the notice and, on the effective date of the transfer, terminate the existence of the insurance company as a domestic corporation.

(3) The certificate of authority, appointment of statutory agent and licenses, policy forms, rates, authorizations and other filings and approvals in existence at the time an insurer admitted to transact insurance in this state transfers its corporate domicile to this or any other state, continue in effect upon the transfer of corporate domicile. All rates and outstanding policies of any transferring insurer shall remain in full force and effect and policies need not be endorsed as to the new domicile unless so ordered by the director. Every transferring insurer shall either file new policy forms for use in this state with the director on or before the effective date of the transfer, or use existing policy forms in this state with appropriate endorsements as allowed by, and under such conditions as may be approved by the director. Every transferring insurer shall notify the director of the proposed transfer, and shall promptly file any resulting amendments to its corporate documents required to be filed with the director.

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 41-343, Idaho Code, and to read as follows:

41-343. ARTICLES OF REDOMESTICATION. (1) Upon receiving approval under section 41-342, Idaho Code, articles of redomestication shall be executed in duplicate by an insurance corporation by its president or a vice president and by its secretary or an assistant secretary and verified by one (1) of the officers of the corporation and shall set forth:

(a) The date of approval of the director of the Idaho department of insurance of the redomestication; and

(b) The state in which the insurer was originally incorporated, the date the insurer was incorporated in that state, the date the insurer was authorized to do business as an insurer in the state in which it was originally incorporated.

(2) The insurer shall attach to the articles of redomestication:

(a) Articles of incorporation including such amendments as may be required to comply with the requirements of section 30-1-54, Idaho Code;

(b) A copy of the certificate of redomestication issued by the director of the Idaho department of insurance.

(3) Duplicate originals of the articles of redomestication shall be delivered to the secretary of state. If the secretary of state finds that such articles conform to law, he shall, when all fees have been paid as prescribed in chapter 1, title 30, Idaho Code:

(a) Endorse on each of such duplicate originals the work "Filed", and the month, day and year of the filing, together with the date from which the insurer has existed and operated as an insurer which shall be the date the insurer was originally incorporated in the state in which the insurer was originally incorporated;

(b) File one (1) of such duplicate originals in his office; and

(c) Issue a certificate or redomestication setting forth the date on which the articles of redomestication were filed and the date from which the insurer has existed and operated as an insurer which shall be the date the insurer was originally incorporated in the state in which the insurer was originally incorporated.

(4) The certificate of redomestication, together with the duplicate original of the articles of redomestication affixed thereto by the secretary of state shall be returned to the insurer or to its representative.

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 41-344, Idaho Code, and to read as follows:

41-344. EFFECTIVE DATE OF REDOMESTICATION. A redomestication under section 41-342, Idaho Code, shall become effective upon the issuance of a certificate of redomestication by the secretary of state, or such later date as may be set forth in the notice from the director; provided, however, that an insurer which has redomesticated in the state of Idaho pursuant to section 41-342, Idaho Code, shall be considered to be the same corporation as that corporation which existed under the laws of the state in which it was formerly domiciled

and shall be considered as having been an operating insurer from the date that the corporation was authorized to do business as an insurer in its original state of incorporation.

SECTION 4. That Section 41-106, Idaho Code, be, and the same is hereby amended to read as follows:

41-106. "DOMESTIC," "FOREIGN," "ALIEN" INSURER DEFINED. (1) A "domestic" insurer is one formed under the laws of this state or an insurer which has transferred its domicile pursuant to section 41-342, Idaho Code, to this state.

(2) A "foreign" insurer is one formed under the laws of a jurisdiction other than this state.

(3) An "alien" insurer is one formed under the laws of any country other than the United States of America, its states, districts, territories, and commonwealths.

(4) Except where distinguished by context, "foreign" insurers includes also "alien" insurers.

SECTION 5. That Section 41-108, Idaho Code, be, and the same is hereby amended to read as follows:

41-108. "DOMICILE" DEFINED. The "domicile" of an insurer means:

(1) As to Canadian insurers, Canada and the province in which the insurer's head office is located.

(2) As to other alien insurers authorized to transact insurance in one or more states, as provided in section 41-340 (retaliatory provision).

(3) As to alien insurers not authorized to transact insurance in one or more states, the country under the laws of which the insurer was formed.

(4) As to all other insurers, the state under the laws of which the insurer was formed or the state to which the insurer has transferred its domicile.

Approved April 3, 1987.

CHAPTER 303
(H.B. No. 289, As Amended in the Senate)

AN ACT

RELATING TO BIDS REQUIRED FOR WORK ON THE STATE HIGHWAY SYSTEM; REPEALING SECTIONS 40-903, 40-904 AND 40-905, IDAHO CODE; AMENDING CHAPTER 9, TITLE 40, IDAHO CODE, BY THE ADDITION OF SECTION 40-903, IDAHO CODE, TO PROVIDE THAT A COUNTY, CITY OR HIGHWAY DISTRICT SHALL NOT BID ON ANY HIGHWAY SYSTEM CONSTRUCTION PROJECT WHICH IS LET BY COMPETITIVE BID BY THE IDAHO TRANSPORTATION BOARD AND TO PROVIDE FOR AGREEMENTS FOR JOINT OR COOPERATIVE ACTION.

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

SECTION 1. That Sections 40-903, 40-904, and 40-905, Idaho Code, be, and the same are hereby repealed.

SECTION 2. That Chapter 9, 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 40-903, Idaho Code, and to read as follows:

40-903. COUNTY, CITY OR HIGHWAY DISTRICT BID PROHIBITED. No county, city or highway district shall bid on any state highway system construction project which is let by competitive bid by the Idaho transportation board; provided, however, the provisions of this section shall not prohibit the Idaho transportation board, a county, a city or a highway district from entering into agreements with one another for joint or cooperative action pursuant to the provisions of chapter 3, title 40, or chapter 23, title 67, Idaho Code.

Approved April 3, 1987.

CHAPTER 304
(H.B. No. 301)

AN ACT

RELATING TO INCOME TAX CREDITS FOR CHARITABLE CONTRIBUTIONS; AMENDING SECTION 63-3029A, IDAHO CODE, TO PROVIDE FOR AN INCOME TAX CREDIT FOR CONTRIBUTIONS TO FOUNDATIONS OF CERTAIN EDUCATIONAL INSTITUTIONS, PUBLIC LIBRARIES AND LIBRARY DISTRICTS; AND PROVIDING AN EFFECTIVE DATE.

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 or their foundations located within the state of Idaho, to Idaho education public broadcast system foundations within the state of Idaho, and to public libraries or their foundations and library districts or

their foundations 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.

SECTION 2. This act shall be in full force and effect on and after January 1, 1988.

Approved April 3, 1987.

CHAPTER 305
(H.B. No. 367)

AN ACT

RELATING TO ADMINISTRATION OF TRUSTS; AMENDING SECTION 26-1302, IDAHO CODE, TO PROVIDE ADDITIONAL EXEMPTIONS FROM REQUIREMENTS FOR A CHARTER TO ENGAGE IN A TRUST BUSINESS.

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

SECTION 1. That Section 26-1302, Idaho Code, be, and the same is hereby amended to read as follows:

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

(1) Obtaining trust business as a result of an existing attorney-client relationship or certified public accountant-client relationship.

(2) Acting as trustee under a deed of trust made only as security for the payment of money or for the performance of another act.

(3) Acting as a trustee in bankruptcy or as a receiver.

(4) Holding trusts of real estate for the primary purpose of subdivision development or sale, or to facilitate any business transaction with respect to such real estate.

(5) Engaging in the business of an escrow agent.

(6) Receiving rents and proceeds of sale as a licensed real estate broker on behalf of a principal.

(7) Engaging in securities transactions as a broker or salesman registered under chapter 14, title 30, Idaho Code.

(8) Acting as a fiduciary for relatives.

(9) Insurance companies licensed to do business in the state of Idaho and subject to regulation and control of the director of the department of insurance, are excluded from the provisions of this chapter.

(10) A state-supported institution of higher education obtaining and acting as trustee of trusts which confer some benefit upon the institution.

Approved April 3, 1987.

CHAPTER 306
(H.B. No. 354)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 1988; 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 amount from the listed accounts for the period July 1, 1987, through June 30, 1988:

FROM:

General Account	$2,131,600
Federal Vocational Rehabilitation Account	6,258,600
Vocational Rehabilitation Cost Recovery Account	123,600
Interagency Billing and Receipts Account	7,000
TOTAL	$8,520,800

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, 1987, through June 30, 1988:

A. RENAL DISEASE:	
FROM:	
General Account	$ 398,200
FOR:	
Trustee and Benefit Payments	$ 398,200
B. VOCATIONAL REHABILITATION:	
FROM:	
General Account	$1,733,400
Federal Vocational Rehabilitation Account	6,258,600
Vocational Rehabilitation Cost Recovery Account	123,600
Interagency Billing and Receipts Account	7,000
TOTAL	$8,122,600
FOR:	
Personnel Costs	$2,839,900
Operating Expenditures	630,000
Capital Outlay	47,000
Trustee and Benefit Payments	4,605,700
TOTAL	$8,122,600
GRAND TOTAL	$8,520,800

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 263, Laws of 1986, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved April 3, 1987.

CHAPTER 307
(H.B. No. 355)

AN ACT

APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE STATE LIBRARY BOARD FOR FISCAL YEAR 1988; 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 amount, to be expended for the designated program according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
STATE LIBRARY SERVICES:					
FROM:					
General Account	$846,500	$401,700	$ 97,300	$ 14,600	$1,360,100
Library Services and Construction Act Account	56,000	77,000	18,000	625,000	776,000
Access Project Public Library Account				25,000	25,000
Interagency Billing and Receipts Account		10,000	7,000	8,000	25,000
TOTAL	$902,500	$488,700	$122,300	$672,600	$2,186,100

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 256, Laws of 1986, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved April 3, 1987.

CHAPTER 308
(H.B. No. 356)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE SPECIAL HEALTH EDUCATION PROGRAMS FOR FISCAL YEAR 1988 AND DESIGNATING PROGRAM LIMITS; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE IDAHO DENTAL 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, 1987, through June 30, 1988:

FOR:	
PSEP-WICHE-University of Utah Medical Education Program	$584,300
IDEP-Idaho Dental Education Program	320,900
Family Practice Residency Program	50,000
TOTAL	$955,200
FROM:	
General Account	$907,300
Interagency Billing and Receipts Account	47,900
TOTAL	$955,200

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, 1987, through June 30, 1988:

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			$584,300	$584,300
II. IDEP-IDAHO DENTAL EDUCATION PROGRAM:				
FROM:				
General Account	$47,600	$3,400	$222,000	$273,000
Interagency Billing and Receipts Account	47,900			47,900
TOTAL	$95,500	$3,400	$222,000	$320,900
III. FAMILY PRACTICE RESIDENCY PROGRAM:				
FROM:				
General Account			$ 50,000	$ 50,000
GRAND TOTAL	$95,500	$3,400	$856,300	$955,200

SECTION 3. It is legislative intent that consistent with the original concept of the Idaho Dental Education Program, students must complete their first year at Idaho State University in order to receive tuition support from the state during the remainder of their dental education.

Approved April 3, 1987.

CHAPTER 309
(H.B. No. 357)

AN ACT

AMENDING SECTION 2, CHAPTER 227, LAWS OF 1986, RELATING TO THE APPROPRIATION TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION; EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION FOR FISCAL YEAR 1988; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE STATE BOARD OF EDUCATION FOR VOCATIONAL EDUCATION; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE FOR SECTION 1.

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

SECTION 1. That Section 2, Chapter 227, Laws of 1986, be, and the same is hereby amended to read as follows:

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~~ 1,795,800	$ 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~~ 4,976,600	$ 5,405,800
C. POST-SECONDARY PROGRAMS:					
FROM:					
General Account	$10,458,000	$1,505,900	~~$551,000~~	$ 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~~	$ 551,000	$12,824,900
D. DISPLACED HOMEMAKER PROGRAM:					
FROM:					
Displaced Homemaker Account		$ 5,000		$ 142,000	$ 147,000
Carl Perkins Vocational Education Act Account				295,900	295,900
TOTAL		$ 5,000		$ 437,900	$ 442,900
E. IDAHO STATE COUNCIL ON VOCATIONAL EDUCATION:					
FROM:					
State Council on Vocational Education Account	$ 62,200	$ 54,100			$ 116,300
GRAND TOTAL	$12,051,400	$2,066,600	~~$558,200~~	~~$5,407,300~~ 5,965,500	$20,083,500

SECTION 2. It is legislative intent that the expenditures for the State Board of Education for Vocational Education not exceed the following amount from the listed accounts for the period July 1, 1987, through June 30, 1988:

FROM:

General Account	$17,142,900
Carl Perkins Vocational Education Act Account	3,914,300
Interagency Billing and Receipts Account	130,000
Displaced Homemaker Account	140,000
State Council on Vocational Education Account	116,300
TOTAL	$21,443,500

SECTION 3. 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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. ADMINISTRATION AND SUPERVISION:					
FROM:					
General Account	$ 871,500	$ 195,600	$ 7,900		$ 1,075,000
Carl Perkins Vocational Education Act Account	145,800	122,600			268,400
TOTAL	$ 1,017,300	$ 318,200	$ 7,900		$ 1,343,400
B. GENERAL PROGRAMS:					
FROM:					
General Account				$ 2,401,600	$ 2,401,600
Carl Perkins Vocational Education Act Account				3,170,900	3,170,900
TOTAL				$ 5,572,500	$ 5,572,500
C. POST-SECONDARY PROGRAMS:					
FROM:					
General Account				$13,666,300	$13,666,300
Carl Perkins Vocational Education Act Account				180,000	180,000
Interagency Billing and Receipts Account				130,000	130,000
TOTAL				$13,976,300	$13,976,300
D. DISPLACED HOMEMAKER PROGRAM:					
FROM:					
Displaced Homemaker Account		$ 5,000		$ 135,000	$ 140,000
Carl Perkins Vocational Education Act Account				295,000	295,000
TOTAL		$ 5,000		$ 430,000	$ 435,000

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
E. IDAHO STATE COUNCIL ON VOCATIONAL EDUCATION:					
FROM:					
State Council on Vocational Education Account	$ 64,100	$ 52,200			$ 116,[illegible]
GRAND TOTAL	$ 1,081,400	$ 375,400	$ 7,900	$19,978,800	$21,443,[illegible]

SECTION 4. 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 2, Chapter 227, Laws of 1986, to be used for nonrecurring expenditures.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after passage and approval of this act.

Approved April 3, 1987.

CHAPTER 310
(S.B. No. 1214)

AN ACT

APPROPRIATING MONEYS TO THE DEPARTMENT OF COMMERCE FOR FISCAL YEAR 1988; APPROPRIATING MONEYS FOR DEVELOPMENT OF THE SUPERCONDUCTING SUPER COLLIDER PROPOSAL; AND REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF COMMERCE.

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

SECTION 1. There is hereby appropriated to the Department of Commerce the following amount from the listed accounts for the period July 1, 1987, through June 30, 1988:

FROM:

General Account	$ 1,757,800
Idaho Travel and Convention Account	2,291,900
Idaho Development and Publicity Account	151,300
Economic and Community Affairs Account	9,066,500
TOTAL	$13,267,500

SECTION 2. There is hereby appropriated to the Department of Commerce the following amount to be expended from the listed account for the stated purpose for the period July 1, 1987, through June 30, 1988:

FOR:

Development of the Superconducting Super Collider Proposal to be submitted to the U.S. Department of Energy	$300,000

FROM:
General Account $300,000

SECTION 3. There is hereby reappropriated to the Department of Commerce any unexpended and unencumbered balances of all moneys appropriated by Section 1, Chapter 283, Laws of 1986, and Section 1, Chapter 28, Laws of 1987, and Section 2, Chapter 27, Laws of 1987, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved April 2, 1987.

CHAPTER 311
(S.B. No. 1033, As Amended in the House)

AN ACT

RELATING TO THE LEGISLATURE; AMENDING SECTION 67-455, IDAHO CODE, TO INCREASE THE NUMBER OF MEMBERS OF THE SPECIAL LEGISLATIVE COMMITTEE ON PERSONNEL MATTERS, TO PROVIDE TERMS FOR LEGISLATIVE MEMBERS OF THE SPECIAL LEGISLATIVE COMMITTEE ON PERSONNEL MATTERS AND TO PROVIDE A PROCEDURE FOR FILLING VACANCIES ON THE COMMITTEE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 67-455, Idaho Code, be, and the same is hereby amended 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~~ three (~~2~~3) members of the senate, ~~one~~ two (~~1~~2) from the majority party appointed by the president pro tempore, and one (1) from the minority party appointed by the minority leader, ~~two~~ three (~~2~~3) members of the house of representatives, ~~one~~ two (~~1~~2) 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~~. The 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 term for all appointments to the committee made prior to January 31, 1987, shall expire on January 31, 1987. Subsequent appointments to the committee shall be for a term of two (2) years and shall coincide with the legislative term of office as provided in section 67-402, Idaho Code; except the first term shall commence on February 1, 1987 and end on November 30, 1988. If a vacancy on the committee occurs or exists, it shall be filled in a manner consistent with the appointment procedure set out in this section; except the appointment shall be for the remainder of the

unexpired term. A committee member may be reappointed to the 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.

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, 1987.

CHAPTER 312
(S.B. No. 1041)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1333, IDAHO CODE, TO PROVIDE THAT DIVISION ADMINISTRATORS OF THE DEPARTMENT SHALL BE EXEMPTED FROM THE CLASSIFIED SERVICE REQUIREMENTS OF CHAPTER 53, TITLE 67, AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 72-1333, Idaho Code, be, and the same is hereby amended to read as follows:

72-1333. AUTHORITY AND DUTIES OF THE DIRECTOR. (a) It shall be the duty of the director to administer this act. The director shall have the power and authority to employ such persons, make such expenditures, require such reports, make such investigations, perform such travel pursuant to the provisions of this act, and take such other actions as he deems necessary or suitable to that end. He shall determine his own organization to be known as the "department of employment" which is hereby created, and which 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. The references in the employment security law to "agency," and "employment security agency," are hereby deemed to be references to the "department of employment." The director shall determine methods of procedure in accordance with the provisions of this act, and shall have an official seal which shall be judicially noticed.

(b) The director shall have the power and authority to adopt, amend, or rescind such rules and regulations as may be necessary for the proper administration of this act, subject, however, to prior approval by the governor of the proposed action.

(1) Adoption, amendment, or rescinding of rules shall be done only after a public hearing or opportunity to be heard thereon, of which proper notice thereof has been given. Action taken with respect to said rules shall become effective ten (10) days after filing with the secretary of state and publication in one ~~(1)~~ or more newspapers of general circulation of this state.

(2) Regulations shall be effective upon publication in a manner not inconsistent with the provisions of this act which the director shall prescribe.

(c) Subject to the provisions of chapter 53, title 67, Idaho Code, the director is authorized and directed to provide for a merit system covering all persons, except the director, the division administrators, and one (1) exempt position to serve at the pleasure and discretion of the director, employed in the administration of the act and shall have authority, by regulation, to provide for all matters which are appropriate to the establishment and maintenance of such system on the basis of efficiency and fitness. The director is authorized to adopt such regulations as may be necessary to meet personnel standards promulgated by the secretary of labor pursuant to the Social Security Act, as amended, or other applicable federal laws and to provide for the maintenance of the merit system required under this section in conjunction with the merit system applicable to any other department or departments of this state which meet the personnel standards promulgated by the secretary of labor or other appropriate federal authority.

(d) Annually, not later than the 31st day of December, the director shall submit to the governor a report covering the administration and operation of this act during the preceding fiscal year ending June 30, and shall make such recommendations for amendments to this act as he deems proper.

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, 1987.

CHAPTER 313
(S.B. No. 1075, As Amended in the House)

AN ACT

RELATING TO BALLOTS; AMENDING SECTION 34-903, IDAHO CODE, TO PROVIDE THAT NO CANDIDATE'S NAME SHALL APPEAR FOR MORE THAN ONE OFFICE UPON A BALLOT, EXCEPT A CANDIDATE FOR PRECINCT COMMITTEEMAN AND PROVIDING AN EXCEPTION.

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

SECTION 1. That Section 34-903, Idaho Code, be, and the same is hereby amended to read as follows:

34-903. SECRETARY OF STATE TO PRESCRIBE FORM AND CONTENTS OF ALL BALLOTS AND RELATED DOCUMENTS. (1) The secretary of state shall, in a manner consistent with the election laws of this state, prescribe the form for all ballots, absentee ballots, diagrams, sample ballots, ballot labels, voting machine labels or booklets, certificates, notices, declarations of candidacy, affidavits of all types, lists, applications, poll books, tally sheets, registers, rosters, statements and abstracts if required by the election laws of this state.

(2) The secretary of state shall prescribe the arrangement of the matter to be printed on each kind of ballot and label, including:

(a) The placement and listing of all offices, candidates and issues upon which voting is statewide, which shall be uniform throughout the state.

(b) The listing of all other candidates required to file with him, and the order of listing all offices and issues upon which voting is not statewide.

(3) The names of candidates for legislative or special district offices shall be printed only on the ballots and ballot labels furnished to voters of such district.

(4) The names of all candidates which appear on any election ballot shall be rotated in the manner determined by the secretary of state.

(5) No candidate's name may appear on a ballot for more than one (1) office, except that a candidate for precinct committeeman may seek one (1) additional office upon the same ballot. The provisions of this subsection shall not apply to the election of electors of president and vice-president of the United States.

Approved April 3, 1987.

CHAPTER 314
(S.B. No. 1164, As Amended in the House)

AN ACT

RELATING TO STATE BUILDINGS AND FACILITIES; AMENDING SECTION 67-5708, IDAHO CODE, TO PROVIDE THAT THE ADMINISTRATOR OF THE DIVISION OF PUBLIC WORKS MAY ENTER INTO LEASE-PURCHASE AGREEMENTS FOR STATE BUILDINGS AND FACILITIES WHEN AUTHORIZED BY THE LEGISLATURE; TO PROVIDE THAT THE ADMINISTRATOR OF THE DIVISION OF PUBLIC WORKS IS AUTHORIZED TO ENTER INTO LEASE-PURCHASE OR OTHER TIME-PURCHASE AGREEMENTS FOR THE PURPOSES AUTHORIZED BY SENATE CONCURRENT RESOLUTION NO. 109; DECLARING AN EMERGENCY FOR SECTION 2 OF THE ACT, AND PROVIDING AN EFFECTIVE DATE FOR SECTION 1 OF THE ACT.

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

SECTION 1. That Section 67-5708, Idaho Code, be, and the same is hereby amended to read as follows:

67-5708. LEASING OF OFFICE SPACE FOR STATE USE -- MANAGEMENT OF STATE CAPITOL MALL -- CONTROL OF PARKING. The department of administration shall negotiate for, approve, and make any and all lease or rental agreements for office space to be used by the various state departments, agencies and institutions in the state of Idaho.

The department of administration shall manage multi-agency office space constructed through the state building authority as established in chapter 64, title 67, Idaho Code, and shall sublease such office space to various state departments, agencies, and institutions in the state of Idaho. The department of administration is directed to operate any property acquired for the state capitol mall and to enter into rental contracts and lease agreements not inconsistent with the use of such capitol mall real estate for state building purposes when so authorized.

The director may authorize and enter into leases of state capitol mall real estate and multi-agency office space constructed through the state building authority, not needed for state building purposes, to other governmental entities or to nonprofit organizations upon such terms as are just and equitable.

The administrator of the division of public works shall promulgate rules and regulations for the control of the parking of motor vehicles in the state capitol mall. Any person who shall violate any of the provisions of the regulations shall be subject to a fine of not less than two dollars ($2.00) nor more than twenty-five dollars ($25.00); provided however, that any person who shall violate any of the provisions of the regulations concerning the altering, counterfeiting or misuse of parking permits shall be subject to a fine of not more than fifty dollars ($50.00).

Every magistrate and every court having jurisdiction of criminal offenses and the violation of public laws committed in the county of Ada shall have jurisdiction to hear and determine violations of the provisions of the regulations and to fix, impose and enforce payment

of fines therefor. The department of administration may pay costs incurred in the operation and management of those properties from rents received therefrom.

When a state building or facility of the state of Idaho is authorized by statute, and a maximum cost for such building or facility has been set by statute, the administrator of the division of public works may enter into lease-purchase or other time-purchase agreements with the Idaho state building authority or other party for such building or facility.

SECTION 2. The administrator of the division of public works is hereby authorized to enter into lease-purchase or other time-purchase agreements with the Idaho state building authority or other parties for the purposes authorized by Senate Concurrent Resolution No. 109, First Regular Session, Forty-ninth Idaho Legislature.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, Section 2 of this act shall be in full force and effect on and after passage and approval; Section 1 of this act shall be in full force and effect on and after January 1, 1988.

Approved April 3, 1987.

CHAPTER 315
(H.B. No. 333)

AN ACT

RELATING TO STATE INCOME TAX RETURNS BY NONRESIDENTS; AMENDING SECTION 63-3030, IDAHO CODE, TO ESTABLISH INCOME AMOUNTS FOR FILING NONRESIDENT TAX RETURNS WHICH EQUAL THE AMOUNTS APPLICABLE TO RESIDENTS; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

SECTION 1. That Section 63-3030, Idaho Code, be, and the same is hereby amended to read as follows:

63-3030. PERSONS REQUIRED TO MAKE RETURNS OF INCOME. (a) Returns with respect to taxes measured by income in this act shall be made by the following:

(1) (A) Every resident individual having for the current taxable year a gross income, as defined by section 61(a) of the Internal Revenue Code, of one thousand dollars ($1,000) or more, except that a return shall not be required of an individual (other than an individual referred to in section 6012(a)(1)(C) of the Internal Revenue Code)--

(i) who is not married (determined by applying section 143 of the Internal Revenue Code), who is not a surviving spouse (as defined in section 2(a) of the

Internal Revenue Code) and for the taxable year has a gross income of less than three thousand three hundred dollars ($3,300), or

(ii) who is a surviving spouse (as defined in section 2(a) of the Internal Revenue Code) and for the taxable year has a gross income of less than four thousand four hundred dollars ($4,400), or

(iii) who is entitled to make a joint return under section 6013 of the Internal Revenue Code and whose gross income, when combined with the gross income of his spouse is, for the taxable year, less than five thousand four hundred dollars ($5,400) but only if such individual and his spouse, at the close of the taxable year, had the the same household as their home.

Clause (iii) shall not apply if for the taxable year such spouse makes a separate return or any other taxpayer is entitled to an exemption for such spouse under section 151(e) of the Internal Revenue Code.

(B) The three thousand three hundred dollars ($3,300) amount specified in subparagraph (A)(i) shall be increased to four thousand three hundred dollars ($4,300) in the case of an individual entitled to an additional personal exemption under section 151(c)(1) of the Internal Revenue Code, and the five thousand four hundred dollars ($5,400) amount specified in subparagraph (A)(iii) shall be increased by one thousand dollars ($1,000) for each additional personal exemption to which the individual or his spouse is entitled under section 151(c) of the Internal Revenue Code.

(2) Any nonresident or part-year resident individual having for the current taxable year a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of ~~one--thousand-dollars-($1,000)~~ the amounts established in subsection (a)(1)(A) of this section;

(3) Every corporation subject to taxation by this act; any corporation reporting as a subchapter S corporation pursuant to Internal Revenue Code sections 1371 through 1378 to the federal government and having business situs in this state or with one (1) or more of its shareholders residing in this state must report to the state of Idaho as a subchapter S corporation for and during the same period or periods in which its election to report as such a corporation is effective for federal tax purposes and must identify itself as a subchapter S corporation on its income tax return filed with this state;

(4) Every estate, the residence of which estate is in Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) of six hundred dollars ($600) or more for the current taxable year;

(5) Every estate, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of six hundred dollars ($600);

(6) Every trust, the residence of which trust is in Idaho, having

gross income (as defined in section 61(a) of the Internal Revenue Code) of one hundred dollars ($100) or more for the current taxable year;

(7) Every trust, the residence of which is in a state other than Idaho, having a gross income (as defined in section 61(a) of the Internal Revenue Code) from Idaho sources in excess of one hundred dollars ($100);

(8) Every partnership having a resident partner and every partnership having a business situs in the state of Idaho. Such return shall be a supplemental information return and shall include the names and addresses of the individuals who would be entitled to share in the net income of the partnership if distributed and the amount of the distributive share of each individual. Such return shall be signed by one (1) of the partners.

(b) Returns of fiduciaries and receivers:

(1) Fiduciaries and receivers shall file returns with the state tax commission in accordance with the provisions of section 6012(b) of the Internal Revenue Code.

(c) Certain income earned abroad or from sale of residence: For purposes of this section, gross income shall be computed without regard to the exclusion provided for in section 121 of the Internal Revenue Code (relating to one-time exclusion of gain from sale of principal residence by an individual who has attained age fifty-five (55) and without regard to the exclusion provided for in section 911 of the Internal Revenue Code (relating to income earned by employees in certain camps).

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, 1987.

Approved April 4, 1987.

CHAPTER 316
(H.B. No. 336, As Amended in the Senate)

AN ACT

RELATING TO PARI-MUTUEL RACING; AMENDING SECTION 54-2501, IDAHO CODE, TO PROVIDE A NEW SHORT TITLE; AMENDING SECTION 54-2502, IDAHO CODE, TO INCLUDE DOG RACING; AMENDING SECTION 54-2503, IDAHO CODE, TO CHANGE THE NAME OF THE HORSE RACING COMMISSION TO THE RACING COMMISSION; AMENDING SECTION 54-2510, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AMENDING SECTION 54-2513, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE, TO PROVIDE FOR DISTRIBUTION OF RECEIPTS FROM DOG RACING AND TO PROVIDE FOR LIMITATIONS ON LOCATION OF DOG RACING FACILITIES; AMENDING SECTION 18-4901, IDAHO CODE, TO PROVIDE PROPER NOMENCLATURE; AND AMENDING SECTION 54-2509, IDAHO CODE, TO PROHIBIT THE USE OF LIVE LURES IN IDAHO FOR THE TRAINING OR RACING OF DOGS, TO PROVIDE PENALTIES, TO PROVIDE DUTIES OF THE

RACING COMMISSION, TO PROVIDE FOR RULES AND REGULATIONS, AND TO REQUIRE MIXED HORSE RACING AND DOG RACING BY A LICENSEE.

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

SECTION 1. That Section 54-2501, Idaho Code, be, and the same is hereby amended to read as follows:

54-2501. SHORT TITLE. This act may be cited as the "Idaho ~~horse~~ racing act."

SECTION 2. That Section 54-2502, Idaho Code, be, and the same is hereby amended to read as follows:

54-2502. DEFINITIONS. Unless the context otherwise requires, words and phrases as used herein shall mean:

"Commission" shall mean the Idaho state ~~horse~~ racing commission, hereinafter created.

"Persons" shall mean and include individuals, firms, corporations and associations.

"Race meet" shall mean and include any exhibition of thoroughbred, purebred, and/or registered horse racing, ~~or~~ mule racing or dog racing, where the pari-mutuel system of wagering is used. Singular shall include the plural and plural shall include the singular; and words importing one gender shall be regarded as including all other genders.

"Gross daily receipts" shall mean the total of all sums deposited in all pools for each race day.

"Pool" shall mean the total sum of all moneys wagered in each race for each type of bet. Types of bets include win, place, show, quinella, daily double, exacta, trifecta, etc., and such other types as are approved by the commission from time to time.

SECTION 3. That Section 54-2503, Idaho Code, be, and the same is hereby amended to read as follows:

54-2503. ~~HORSE~~ RACING COMMISSION CREATED -- APPOINTMENT -- REMOVAL -- CLAIMS. There is hereby created in the department of law enforcement the Idaho state ~~horse~~ racing commission, to consist of three (3) members, who shall be citizens, residents, and qualified electors of the state of Idaho.

The members of said commission shall be appointed by the governor within thirty (30) days after this act takes effect, one (1) for a term to expire on the Thursday following the second Monday in January, 1965, and one (1) for a term to expire on the Thursday following the second Monday in January, 1967, and one (1) for a term to expire on the Thursday following the second Monday in January, 1969, and upon the expiration of the term of any member of said commission, the governor shall appoint a successor for a term of six (6) years. All appointments to the Idaho state ~~horse~~ racing commission shall be subject to the approval of the senate.

Each member shall hold office until his successor is appointed and

qualified. Vacancies on the commission shall be filled by appointment to be made by the governor for the unexpired term.

Any member may be removed from office by the governor for cause after a public hearing. Notice of said hearing shall fix the time and place of hearing and shall specify the charges. Copy of the notice of hearing shall be served on the member by mailing the same to the member at his last known address at least ten (10) days before the date fixed for said hearing.

SECTION 4. That Section 54-2510, Idaho Code, be, and the same is hereby amended to read as follows:

54-2510. RACE EXCLUSIVELY FOR IDAHO BRED HORSES -- BONUS FOR WINNER. For the purpose of encouraging the breeding, within this state, of valuable thoroughbred, purebred and/or registered horses, at least one (1) race each day at each horse race meet shall be limited to Idaho bred horses. If in the opinion of the commission sufficient competition cannot be had among such class of horses, said race may be eliminated for said days and a substitute provided instead.

A sum equal to ten per cent (10%) of the first money of every purse won by an Idaho bred horse shall be paid by the licensee conducting the race meet to the breeder of such horse.

SECTION 5. That Section 54-2513, Idaho Code, be, and the same is hereby amended to read as follows:

54-2513. DISTRIBUTIONS OF DEPOSITS -- BREAKAGE. (A) Each licensee conducting the pari-mutuel system shall distribute eighty per cent (80%) of all sums deposited in any pool to the winner thereof, except for the daily double, exacta and trifecta pools, which shall be distributed seventy-nine and one-quarter per cent (79.25%) of all sums deposited in each of such pools to the winner thereof and three-quarters of one per cent (.75%) (for a total of eighty per cent (80%)) shall be distributed directly to the horse racing commission in addition to the sums provided and in accordance with subsection (B) or (C) of this section.

(B) Each licensee conducting the pari-mutuel system for horse races shall retain twenty per cent (20%) of all sums deposited in any pool, for distribution and payment based upon gross daily receipts as follows:

(1) One and one-quarter per cent (1.25%) of gross daily receipts, separately stated, shall be paid to the Idaho state horse racing commission, for deposit in the horse racing commission account, which is hereby created in the dedicated fund.

(2) One-half of one per cent (.50%) of gross daily receipts from horse races, separately stated, shall be paid to the Idaho state horse racing commission for deposit in the track distribution account, which is hereby created in the dedicated fund, for further distribution to certain Idaho horse race tracks, defined as follows:

a. recipient horse racing tracks shall be those which, during the race meet year of distribution, have an average

daily handle of less than sixty thousand dollars ($60,000);

b. distributions to recipient horse racing tracks shall be weighted proportionately on the number of days raced during the year of distribution.

All moneys in the track distribution account are hereby appropriated to the commission for payment as required by this section. Payments to horse racing tracks shall be made monthly.

(3) One-half of one per cent (.50%) of gross daily receipts from horse races, separately stated, shall be paid by the licensee to the commission for deposit in the breed distribution account, which is hereby created in the dedicated fund, for payment by the commission in proportion to the handle generated by each horse breed, to lawfully constituted representatives of each horse breed, to benefit owners and/or breeders of Idaho bred racing thoroughbreds, racing quarter horses, racing Appaloosas, racing paints and racing Arabians, subject to the approval of the commission. Moneys in the breed distribution account on December 31 of each year which have not been distributed by the commission shall be paid to the public school income fund.

All moneys in the breed distribution account are hereby appropriated to the commission for payment as required by this section. Payments to representatives shall be made monthly.

(4) Seventeen and three-quarters per cent (17.75%) of gross daily receipts from horse races shall be paid or retained as follows:

a. From the first $20,000 of gross daily receipts, the licensee shall retain seventeen and three-quarters per cent (17.75%);

b. From the next $10,000 of gross daily receipts (gross daily receipts between $20,000 and $30,000), the public school income fund shall receive one-quarter of one per cent (.25%), and the licensee shall retain seventeen and one-half per cent (17.50%);

c. From the next $10,000 of gross daily receipts (gross daily receipts between $30,000 and $40,000), the public school income fund shall receive one and one-quarter per cent (1.25%), and the licensee shall retain sixteen and one-half per cent (16.50%);

d. From all amounts of over $40,000 of gross daily receipts, the public school income fund shall receive two and one-quarter per cent (2.25%), and the licensee shall retain fifteen and one-half per cent (15.50%).

The public schools' share shall be paid by the licensee to the horse racing commission for deposit in the public school income fund. The licensee's percentage shall be retained by the licensee.

(C) Each licensee conducting the pari-mutuel system for dog racing shall retain twenty per cent (20%) of all sums deposited in any pool, for distribution and payment based upon gross daily receipts as follows:

(1) One and one-quarter per cent (1.25%) of gross daily receipts, separately stated, shall be paid to the Idaho state racing commission, for deposit in the racing commission account.

(2) One per cent (1%) of gross daily receipts, separately stated,

shall be paid to the Idaho state racing commission for payment to the county in which the dog racing facility is located. The board of county commissioners shall spend such revenues only for visitor promotion.

(3) Seventeen and three-quarters per cent (17.75%) of gross daily receipts from dog races shall be paid or retained as follows:

a. From the first $20,000 of gross daily receipts, the licensee shall retain seventeen and three-quarters per cent (17.75%);

b. From the next $10,000 of gross daily receipts (gross daily receipts between $20,000 and $30,000), the public school income fund shall receive one-quarter of one per cent (.25%), and the licensee shall retain seventeen and one-half per cent (17.50%);

c. From the next $10,000 of gross daily receipts (gross daily receipts between $30,000 and $40,000), the public school income fund shall receive one and one-quarter per cent (1.25%), and the licensee shall retain sixteen and one-half per cent (16.50%);

d. From all amounts of over $40,000 of gross daily receipts, the public school income fund shall receive two and one-quarter per cent (2.25%), and the licensee shall retain fifteen and one-half per cent (15.50%).

The public schools' share shall be paid by the licensee to the racing commission for deposit in the public school income fund. The licensee's percentage shall be retained by the licensee.

(D) ~~Such~~ Each licensee may retain the odd cents of all redistribution to be based on each dollar deposited exceeding a sum equal to the next lowest multiple of ten (10), known as breakage, and the total amount of unclaimed tickets at the termination of the time allowed by rule and regulation of the commission.

(E) No dog racing facility shall be granted racing dates by the Idaho state racing commission if such facility is located within one hundred (100) miles of any operating pari-mutuel horse racing facility in the state of Idaho which conducted pari-mutuel horse racing in 1986.

SECTION 6. That Section 18-4901, Idaho Code, be, and the same is hereby amended to read as follows:

18-4901. LOTTERY DEFINED. A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share or interest in such property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name the same may be known. The pari-mutuel system used in horse racing shall not constitute a lottery, so long as it is conducted in conformity with the provisions of chapter 25, title 54, Idaho Code.

SECTION 7. That Section 54-2509, Idaho Code, be, and the same is

hereby amended to read as follows:

54-2509. PENALTY FOR VIOLATIONS OF LAW -- POWER OF COMMISSION. (1) Any person holding a race meet, and any other person required by this act or the rules and regulations of the commission to be licensed, participating, directly or indirectly, in a race meet, without first being licensed by the commission, and any person violating any of the terms or provisions of this act is guilty of a misdemeanor.

(a) There shall be an absolute prohibition of the use of live lures in the state of Idaho for the training of or racing of racing dogs. Any violation of the provisions of this section shall be a felony punishable by a fine not exceeding twenty-five thousand dollars ($25,000), or by a prison term not to exceed seven (7) years, or by both such fine and imprisonment. In addition the state racing commission shall not license any breeder, trainer or kennel whose dogs have been trained or raced with the use of live lures. The racing commission shall adopt rules and regulations that will provide for the humane treatment of the dogs involved in any aspect of training for or engaging in dog racing.

(b) In addition to other provisions governing Idaho pari-mutuel dog racing, the racing commission shall not grant a dog racing license to any person that has not been duly licensed by the commission to conduct a mixed horse race meet with a minimum of forty (40) days of horse racing. Upon failure of the licensee to conduct the full forty (40) days of mixed horse racing in accordance with the license issued by the racing commission, the commission shall immediately suspend the dog racing license of the licensee.

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

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

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

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

Approved April 4, 1987.

CHAPTER 317
(H.B. No. 343)

AN ACT

RELATING TO THE EMPLOYMENT SECURITY LAW; AMENDING SECTION 72-1350, IDAHO CODE, BY PROVIDING THE APPLICATION OF RATE SCHEDULE VI FOR CALENDAR YEARS 1987 AND 1988, AND PROVIDING THE METHOD OF DETERMINING THE APPROPRIATE RATE SCHEDULE FOR 1989 AND THEREAFTER; AMENDING SECTION 72-1367, IDAHO CODE, TO PROVIDE THAT TO BE ELIGIBLE FOR BENEFITS AN INDIVIDUAL SHALL HAVE TOTAL BASE PERIOD WAGES OF AT LEAST ONE AND ONE-QUARTER TIMES HIS HIGH QUARTER WAGES AND TO PROVIDE WEEKS OF BENEFIT ENTITLEMENT; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION FOR SECTION 1.

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~~7~~ and 1986~~8~~, the contribution rates for all covered experience-rated employers shall be determined in accordance with schedule VI.

(c) The ratio of the unencumbered balance in the employment security fund on the June 30th immediately preceding the rate year to the total wages reported by covered employers for the ~~penultimate calendar~~ preceding state fiscal year will determine the appropriate rate schedule for the calendar year 1987~~9~~, 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.

SECTION 2. That Section 72-1367, Idaho Code, be, and the same is hereby amended to read as follows:

72-1367. BENEFIT FORMULA. (a) To be eligible an individual shall have at least eleven hundred forty-four dollars and one cent ($1,144.01) in total wages paid for services performed for covered employers in the calendar quarter within his base period in which such wages were highest, and shall have total base period wages of at least one and one-~~half~~quarter (1 1/~~2~~4) times his high quarter wages.

(b) The weekly benefit amount shall be one twenty-sixth (1/26) of highest quarter wages except that it shall not exceed the applicable maximum weekly benefit amount. The maximum weekly benefit amount shall be established as follows:

(1) The director, by regulations as he may prescribe, prior to June 30 of each year, shall compute the average weekly wage paid by covered employers for the preceding calendar year. The maximum weekly benefit amount for benefit years beginning July 1, 1973, and on each July 1 thereafter, shall be sixty per cent (60%) of the state average weekly wage paid by covered employers for the preceding calendar year. Provided, however, and notwithstanding any provisions to the contrary, the maximum weekly benefit amount until June 30, 1984, shall remain the same as the maximum weekly benefit amount which became effective on July 1, 1982, and until July 1 of such year when the trust fund has not been borrowing for two (2) preceding quarters.

(c) Any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to his weekly benefit amount times the number of full weeks of benefit entitlement appearing in the following table on the line which includes his ratio of total base period earnings to highest quarter base period earnings.

Ratio of Total Base Period Earnings to Highest Quarter Earnings		Full Weeks of Benefit Entitlement
At Least	Less Than	
1.25	1.50	10
1.50	1.75	~~10~~11
1.75	2.00	~~12~~13
2.00	2.25	~~14~~15

2.25	2.50	~~16~~17
2.50	2.75	~~18~~19
2.75	3.00	~~20~~21
3.00	3.25	~~22~~23
3.25	~~3.50~~--	~~24~~26
~~3.50~~	--	~~26~~

(d) If in any compensable week the total wages payable to such individual for less than full-time work performed in such week exceed one-half (1/2) of his weekly benefit amount, the excess shall be deducted from his weekly benefit amount.

(e) Any amount of unemployment compensation payable to any individual for any week, if not an even dollar amount, shall be rounded to the next lower full dollar amount.

SECTION 3. An emergency existing therefor, which emergency is hereby declared to exist, Section 1 of this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1987. Section 2 of this act shall be in full force and effect on and after July 1, 1987.

Approved April 4, 1987.

CHAPTER 318
(H.B. No. 353)

AN ACT

RELATING TO CIVIL RIGHTS VIOLATIONS AND ACTIVITIES UTILIZED TO FURTHER CIVIL DISORDERS; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 81, TITLE 18, IDAHO CODE, TO PROVIDE LEGISLATIVE PURPOSE, TO DEFINE TERMS, TO PRESCRIBE PROHIBITED ACTIVITIES AND TO PROVIDE PENALTIES, TO PROVIDE EXCLUSIONS, AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 81, Title 18, Idaho Code, and to read as follows:

CHAPTER 81
TERRORIST CONTROL ACT

18-8101. PURPOSE. The legislature recognizes the constitutional right of every citizen to harbor and express beliefs on any subject, to associate with others who share similar beliefs, and to keep and bear arms. It is not the intent, by the provisions of this chapter, to interfere with the exercise of rights protected by the constitutions

of the state of Idaho or the United States. The legislature further recognizes and finds that conspiracies and training activities in furtherance of unlawful acts of violence against persons and property is not constitutionally protected, poses a threat to public order and safety, and should be subject to criminal sanctions.

18-8102. DEFINITIONS. As used in this chapter:

(1) "Civil disorder" means any public disturbance involving acts of violence by an assemblage of two (2) or more persons which acts cause an immediate danger of or result in damage or injury to the property or person of any other individual.

(2) "Governmental military force" means the national guard, as defined in section 101(9) of title 10, United States code; the organized militia of any state or territory of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, not included with the definition of national guard as defined by such section 101(9); and the armed forces of the United States.

(3) "Law enforcement agency" means a governmental unit of one or more persons employed full time or part time by the state or federal government, or a political subdivision thereof, for the purpose of preventing and detecting crime and enforcing laws or local ordinances and the employees of which are authorized to make arrests for crimes while acting within the scope of their authority.

(4) "Peace officer" means any duly appointed officer of a law enforcement agency as defined herein including, but not limited to a duly appointed investigator or agency of the department of law enforcement, an officer of the Idaho state police or department of law enforcement, department of fish and game, a sheriff or deputy sheriff of a county, or a marshal or police officer of a city.

18-8103. PROHIBITED ACTIVITIES -- PENALTIES. Any person who:

(1) Conspires with one or more persons to injure, oppress, threaten or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the constitutions or laws of the United States or the state of Idaho, by the use of violence against the person or property of such citizen; or

(2) Goes on the highway, or on the premises of any citizen, with one or more other persons, with the intent by use of violence against such citizen or his property, to prevent or hinder his free exercise or enjoyment of any right or privilege so secured; or

(3) Assembles with one or more persons for the purpose of training or instructing in the use of, or practicing with, any technique or means capable of causing property damage, bodily injury or death with the intent to employ such training, instruction or practice in the commission of a civil disorder, as defined herein;

shall be guilty of a felony and shall be punished by imprisonment in the state prison for a period not to exceed ten (10) years, by a fine not in excess of fifty thousand dollars ($50,000), or by both such fine and imprisonment.

18-8104. EXCLUSIONS. Nothing contained in this chapter makes unlawful any act protected pursuant to article I, section 11, of the

Idaho constitution, or any act of any peace officer which is performed in the lawful performance of the law enforcement officer's official duties. Nothing contained in this chapter makes unlawful any activity of the department of fish and game, any governmental military force, the department of correction, any law enforcement agency, or any activity intended to teach or practice self-defense or self-defense techniques, such as karate clubs or self-defense clinics, and similar lawful activity, or any facility, program or lawful activity related to firearms instruction and training intended to teach the safe handling and use of firearms, or any other lawful sports or activities related to the individual recreational use or possession of firearms, including but not limited to, hunting activities, target shooting, self-defense, firearms collection or any organized activity including, but not limited to, any hunting club, rifle club, rifle range or shooting range which does not include a conspiracy as defined under the laws of this state or the knowledge of or the intent to cause or further a civil disorder.

18-8105. 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 4, 1987.

CHAPTER 319
(H.B. No. 366)

AN ACT

RELATING TO THE INVESTMENT TAX CREDIT FOR INCOME TAXES; AMENDING SECTION 63-3029B, IDAHO CODE, TO PROVIDE THAT THE PROVISIONS OF SECTION 49 OF THE INTERNAL REVENUE CODE DENYING THE CREDIT TO PROPERTY PLACED IN SERVICE AFTER DECEMBER 31, 1985, SHALL NOT APPLY TO THE QUALIFICATION OF PROPERTY FOR IDAHO INVESTMENT TAX CREDIT; DECLARING AN EMERGENCY AND PROVIDING A RETROACTIVE EFFECTIVE DATE.

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

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

63-3029B. INCOME TAX CREDIT FOR CAPITAL INVESTMENT. (1) 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 the sum of:

(a) the tax credit carry-overs; and

(b) the tax credit for the taxable year.

(2) The maximum allowable amount of the credit for the current taxable year shall be three percent (3%) of the amount of qualified investments made during the taxable year; and

(3) As used in this section "qualified investment" means certain depreciable property which:

(a) is eligible for the federal investment tax credit, as defined in sections 46(c) and 48 of the internal revenue code subject to the limitations provided for certain regulated companies in section 46(f) of the internal revenue code and is not purchased as replacement for existing property for reasons other than technical obsolescence and is not a motor vehicle under eight thousand (8,000) pounds gross weight;

(b) is acquired, constructed, reconstructed, erected or placed into service after December 31, 1981; and

(c) has a situs in Idaho, with situs allocation for rolling stock and movable property to be determined according to section 63-3027, Idaho Code.

(4) Notwithstanding the provisions of subsections (1) and (2), the amount of the credit allowed shall not exceed fifty percent (50%) of the tax liability of the taxpayer.

(5) If the sum of credit carry-overs from the credit allowed by subsection (2) and the amount of credit for the taxable year from the credit allowed by subsection (2) exceed the limitation imposed by subsection (4) for the current taxable year, the excess attributable to the current taxable year's credit shall be an investment credit carry-over to the five (5) succeeding taxable years. The entire amount of unused credit shall be carried forward to the earliest of the succeeding years, wherein the oldest available unused credit shall be used first, so long as the qualified investment property for which the unused credit was granted still maintains Idaho situs.

(6) Any recomputation of the credit allowed by subsection (2) on property disposed of or ceasing to qualify, prior to the close of its useful life, shall be determined according to section 47 of the internal revenue code.

(7) For the purpose of determining whether property placed in service is a "qualified investment" as defined in subsection (3) of this section, the provisions of section 49 of the internal revenue code shall be disregarded.

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, 1987.

CHAPTER 320
(H.B. No. 103, As Amended in the Senate)

AN ACT

RELATING TO A BOARD OF COMMUNITY GUARDIAN; AMENDING SECTION 15-5-601, IDAHO CODE, TO PROVIDE THAT BOARDS OF COMMUNITY GUARDIAN MAY BE CREATED BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS RATHER THAN BY THE CHIEF JUDGE OF A JUDICIAL DISTRICT; AMENDING SECTION 15-5-602, IDAHO CODE, TO PROVIDE FOR POWERS AND DUTIES OF A BOARD OF COMMUNITY GUARDIAN; AND AMENDING SECTION 15-5-603, IDAHO CODE, TO PROVIDE FOR ANNUAL REPORTS TO BE MADE TO THE BOARDS OF COUNTY COMMISSIONERS.

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

SECTION 1. That Section 15-5-601, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-601. DESIGNATION OF BOARDS OF COMMUNITY GUARDIAN. (a) After making a determination that there exists a need within ~~one--or--more counties-in-a-judicial-district~~ a county for a guardian for those persons in need of guardianship and for whom there is no person or corporation qualified and willing to act in such capacity, the ~~chief-judge of-the-judicial-district~~ board of county commissioners may create, within the ~~judicial--district~~ county, a board of community guardian. ~~However,-upon-written-request-of-t~~The board of county commissioners of one or more counties within the a judicial district ~~the--chief--judge shall~~ may jointly create within the a judicial district a board of community guardian.

~~(b)--The-board-of-community-guardian-shall-perform-its-appropriate duties-only-in-the-county-or-counties--within--the--judicial--district which--request--such--an--appointment--or-which,-in-the-opinion-of-the chief-judge,-do-not-have-a-sufficient-number-of-persons,-corporations, or-organizations-available-to-be-guardians-for-all-incapacitated--persons-in-the-county.~~

~~(c)--Upon--creation--of-the-board-of-community-guardian,-the-chief judge-of-the-judicial-district-shall-notify-the-chief-justice--of--the supreme--court--of--this-state,-in-writing,-of-such-creation-and-shall include-in-such-notification-a-list-of-which-county-or-counties-in-the judicial-district-the-board-of-community-guardian-shall-serve.~~

SECTION 2. That Section 15-5-602, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-602. BOARD STRUCTURE -- POWERS AND DUTIES. (a) Any board of community guardian which is ~~designated~~ created within a county or counties in a judicial district shall ~~be--a--nonprofit--corporation~~ operate under the laws of the state of Idaho, ~~which-qualifies-under the-general-provisions-of-this-part.~~ including the Idaho guardianship, conservatorship and trust laws.

(b) A board of community guardian shall consist of not ~~less~~ fewer

than seven (7) nor more than eleven (11) members who are representatives of community interests involving persons needing guardians or conservators as defined by chapter 5, title 15, Idaho Code.

(1) The terms of the members of the board shall be for two (2) years and shall be staggered. A number of members equaling or most closely exceeding one-half (1/2) shall initially be appointed for one (1) year. Any vacancy created by resignation or expiration of term shall be filled in the same manner as the original appointment;

(2) No person shall be appointed for more than four (4) successive terms or eight (8) successive years on the board;

(3) The board shall meet not less than once each quarter;

(4) No person shall be a member of a board who is also an employee of: the district court~~,~~ or the clerk of the district court ~~or any private contracting party which provides direct services to incapacitated persons;~~

(5) A board member having previously provided or currently providing services to a ward shall disclose such to the board and abstain from any decision or action taken concerning that particular ward;

~~(6)~~ Board members and officers shall serve without pay;

~~(6)~~ Each board shall elect its own chairman and other officers.

(c) A board, in those instances when no family member or other qualified person has volunteered to serve, shall solicit, locate, and obtain individuals or corporations to serve as private or corporate guardians or individuals for whom guardians are required to be appointed under the guardianship and conservatorship laws of the state of Idaho.

(1) When neither the board nor the district court can find a person or corporation to act as guardian, the board shall petition the court to be appointed guardian, and the court may appoint the board upon being satisfied that no qualified person or corporation is available to act~~;~~.

(2) The board may serve as guardian of the person or conservator of the property of an incapacitated person; however, the board shall serve only as the guardian of last resort and only until a qualified guardian can be found to substitute for the board, at which time a joint petition for substitution shall be filed in the guardianship proceedings.

(d) The board shall have all the powers and duties where applicable by court order, as provided under section 15-5-312 of this code and/or sections 15-5-408 and 15-5-424 of this code and in addition thereto shall:

(1) Locate and recommend to the court, where necessary, that a visitor be appointed as provided in section 15-5-503 of this code;

(2) ~~Be--provided~~ Have access to all confidential records, including abuse registry reports that may be maintained by state or private agencies or institutions, which records concern a person for whom the board acts as guardian. However, in no case shall the name of the person reporting the alleged abuse be disclosed;

(3) Review and monitor the services provided by public and private agencies to any incapacitated person for whom the board acts

as guardian and determine the continued need for those services;

(4) Assess a fee for services developed pursuant to this part;

(5) ~~Each--board-shall-h~~Have the power, subject to the approval of the ~~chief-judge-of-the-district~~ board of county commissioners, to adopt such rules as are necessary to carry out the duties and responsibilities of the board.

(e) When a board serves as guardian or conservator, it shall be compensated as other guardians or conservators pursuant to Idaho law. If, at the time the board is appointed as guardian, the incapacitated person for whom the board is to act has no funds, the court may waive the payment of fees.

(f) There is created a lien, enforceable only upon the termination of a guardianship or conservatorship, for all fees which were incurred throughout the duration of the services and which were not paid prior to the termination. The court may postpone or arrange for gradual repayment of the fees if the court finds that the immediate repayment would create a hardship on the person.

(g) No member of a board of community guardian, any employees, or any visitor appointed at the request of such board pursuant to section 15-5-303 of this code, shall be liable for civil damages by reason of authorizing medical treatment or surgery for the person for whom the board is appointed, if the board member, employee or visitor, after medical consultation with the person's physician, acts in good faith, is not negligent, and acts within the limits established for the guardian by the court. No such person shall be liable, by reason of his authorization, for injury to the person for whom the guardianship has been appointed which injury results from the negligence or other acts of a third person, if the court has authorized the giving of medical consent by the board or the individual members of the board. No such person shall be liable in the performance of acts done in good faith within the scope of his authority as long as the act is not of a wanton or grossly negligent nature. The board of community guardian shall be deemed to be a governmental entity for the purposes of application of the Idaho tort claims act.

SECTION 3. That Section 15-5-603, Idaho Code, be, and the same is hereby amended to read as follows:

15-5-603. ANNUAL REPORT. (a) Each board shall ~~annually~~ report annually in writing to ~~the-chief-judge,-with-a-copy-to~~ the board of county commissioners ~~of~~ and, in the case of a multi-county board, to each participating county ~~in-the-circuit~~, its activities for the preceding year, which report shall contain:

(1) A fiscal report which adequately reflects the financial operation of the board;

(2) The number of volunteer guardians obtained by the board;

(3) The number of incapacitated persons for whom the board is acting as guardian;

(4) Recommendations for improving guardianship services in the circuit;

(5) Such other matters as may be determined advisable by the board~~,-the-chief-judge,~~ or the board of county commissioners.

The report shall be filed no later than April 1 of each year and shall cover the preceding calendar year.

(b) The ~~chief-judge~~ board of county commissioners shall review each report and shall determine whether ~~or-not~~ to dissolve or continue the board of community guardian in the ~~judicial--district-or-to decertify-an-existing-nonprofit-corporation-previously--designated--to serve--as--the-board-of-community-guardian-and-to-designate-a-new-such corporation-to-so-serve.~~ county. Where there is a multi-county board of community guardian, the boards of county commissioners of all concerned counties must concur in a decision to dissolve the board of community guardian.

Approved April 6, 1987.

CHAPTER 321
(H.B. No. 120)

AN ACT

RELATING TO SEARCH WARRANTS; AMENDING SECTION 19-4401, IDAHO CODE, TO PROVIDE THAT A SEARCH WARRANT MAY BE SIGNED BY A MAGISTRATE, JUDGE OR JUSTICE DIRECTED TO AN OFFICER OR OFFICERS NAMED IN THE WARRANT OR OTHER OFFICER AUTHORIZED BY LAW TO EXECUTE SEARCH WARRANTS DIRECTING THE OFFICER TO SEARCH AND SEIZE PROPERTY OR INTANGIBLES; AMENDING SECTION 19-4402, IDAHO CODE, TO PROVIDE THAT A SEARCH WARRANT MAY BE ISSUED TO SEARCH FOR AND SEIZE EVIDENCE OF A CRIMINAL OFFENSE, CONTRABAND, FRUITS OF CRIME, THINGS CRIMINALLY POSSESSED, WEAPONS OR OTHER THINGS USED AS THE MEANS TO COMMIT CRIMES OR A PERSON NAMED IN AN ARREST WARRANT; REPEALING SECTIONS 19-4404 AND 19-4405, IDAHO CODE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 19-4401, Idaho Code, be, and the same is hereby amended to read as follows:

19-4401. SEARCH WARRANT DEFINED. A search warrant is an order in writing, in the name of the state of Idaho, signed by a magistrate, judge or justice directed to ~~a-peace~~ an officer~~,-commanding-him to-search-for-personal-property,-and-bring-it-before-the--magistrate~~ or officers named therein, or other officer authorized by law to execute search warrants directing the officer to search for and seize property or intangibles.

SECTION 2. That Section 19-4402, Idaho Code, be, and the same is hereby amended to read as follows:

19-4402. ~~GROUNDS--FOR--ISSUANCE~~ USE OF SEARCH WARRANT.~~-It-may-be issued-upon-either-of-the-following-grounds:~~

~~1.--When-the-property-was-stolen-or-embezzled;-in--which--case--it may-be-taken,-on-the-warrant,-from-any-place-in-which-it-is-concealed,~~

~~or--from--the-possession-of-the-person-by-whom-it-was-stolen-or-embezzled;-or-from-any-person-in-whose-possession-it-may-be.~~

~~2.--When-it-was-used-as-the-means-of-committing-a-felony;-in-which case-it-may-be-taken-on-the-warrant-from-the-place-in-which-it-is-concealed;-or-from-the-possession-of-the-person-by-whom-it--was--used--in the--commission-of-the-offense;-or-from-any-person-in-whose-possession it-may-be.~~

~~3.--When-it-is-in-the-possession-of-any-person-with-the-intent--to use--it-as-the-means-of-committing-a-public-offense;-or-in-the-possession-of-another-to-whom-he-may-have-delivered-it-for--the--purpose--of concealing-it-or-preventing-its-being-discovered;-in-which-case-it-may be--taken--on-the-warrant-from-such-person;-or-from-any-place-occupied by-him-or-under-his-control;-or-from-the-possession-of-the--person--to whom--he-may-have-so-delivered-it.~~ (1) A search warrant may be issued to search for and seize:

1. Any property or intangible that constitutes evidence of a criminal offense.
2. Contraband, the fruits of crime, or things otherwise criminally possessed.
3. Weapons or other things by means of which a crime has been committed or reasonably appears about to be committed.
4. A person named in an arrest warrant.

SECTION 3. That Sections 19-4404 and 19-4405, Idaho Code, be, and the same are hereby repealed.

SECTION 4. An emergency existing therefor, which emergency is hereby declared

Approved April 6, 1987.

CHAPTER 322
(H.B. No. 130, As Amended in the Senate)

AN ACT
RELATING TO GAME TAGS; AMENDING SECTION 36-408, IDAHO CODE, TO AUTHORIZE THE FISH AND GAME COMMISSION TO ISSUE SPECIAL BIGHORN SHEEP TAGS.

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.

(d) Special Game Tags. The commission is hereby authorized to issue one (1) special bighorn sheep tag per year. This special bighorn sheep tag shall be auctioned off by an incorporated nonprofit organization dedicated to wildlife conservation, selected by the commission. The minimum bid for the tag shall be thirty thousand dollars ($30,000). The tag shall be issued by the department of fish and game to the highest eligible bidder. No more than five per cent (5%) of the successful bid for the tag may be retained by the organization. The tag to be issued pursuant to this subsection shall be taken from the nonresident bighorn sheep tag quota. The net proceeds shall be forwarded to the director for deposit in the fish and game trust account and shall be used for bighorn sheep research and management purposes only but not to transplant additional bighorn sheep into that portion of southwest Idaho south of the Snake river and west of U.S. highway no. 93, nor for litigation or environmental impact statements involving bighorn sheep. No transplants of bighorn sheep accomplished with moneys raised pursuant to this subsection shall occur in any area until hearings are conducted in the area.

Approved April 6, 1987.

CHAPTER 323
(H.B. No. 237, As Amended)

AN ACT
RELATING TO CERTAIN WILD AND PREDATORY ANIMALS CAPTURED OR HELD IN CAPTIVITY; AMENDING CHAPTER 7, TITLE 36, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 36-712, 36-713 AND 36-714, IDAHO CODE, TO

REQUIRE REPORTING OF CERTAIN CAPTIVE ANIMALS, TO PROVIDE FOR TATTOOING AND EAR TAGGING, TO PROVIDE PENALTIES, TO PROVIDE FOR NOTIFICATION OF THE DEPARTMENT OF FISH AND GAME REGARDING CERTAIN DISPOSITIONS OF CERTAIN ANIMALS, TO REQUIRE THE DEPARTMENT OF FISH AND GAME TO MAINTAIN RECORDS, TO PROVIDE FOR COMPENSATION FOR DAMAGE CAUSED BY CERTAIN ANIMALS HELD IN CAPTIVITY, AND TO PROVIDE EXCEPTIONS TO COMPENSATION REQUIREMENTS.

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

SECTION 1. That Chapter 7, Title 36, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 36-712, 36-713 and 36-714, Idaho Code, and to read as follows:

36-712. TATTOOING AND EAR TAGGING OF WOLVES -- WHEN REQUIRED. (a) Any wolf that is captured alive to be later released or which is born or held in captivity for any purpose must be reported to the department within three (3) days of the capture or commencement of captivity. If a person capturing or holding in captivity such animal fails to report the animal as required in this section, the person shall be guilty of a misdemeanor and shall be punished by a fine not in excess of one thousand dollars ($1,000) for each animal the person possesses which has not been reported as required in this section.

(b) Each animal reported as required in subsection (1) of this section shall be permanently tattooed and ear tagged in a manner that will provide positive individual identification of the animal. No tattoo or ear tag is required under this section if the animal is subject to a permanent individual identification process by another state or federal agency.

(c) Any person holding a wolf in captivity shall immediately report to the department any death, escape, release, transfer of custody or other disposition of the animal.

36-713. RECORDS. (a) The department shall maintain a record of each animal reported to it, pursuant to section 36-712, Idaho Code. The record shall indicate:

1. The person by whom the animal was captured or is held in captivity;
2. The location of the capture or captivity;
3. The date the animal was tattooed;
4. The purpose of the captivity or capture; and
5. Any death, escape, release, transfer of custody, or other disposition of the animal.

(b) The department shall establish by rule and regulation a fee to be charged, which may not exceed the administrative cost of maintaining the record required under this section.

36-714. COMPENSATION FOR DAMAGE CAUSED BY ANIMAL HELD IN CAPTIVITY -- EXCEPTIONS. (1) If any wolf that is held in captivity or that escapes from such captivity causes any damage to the personal property of another person, compensation for the damage shall be paid by the

person holding or who held the animal in captivity.

(2) The provisions of subsection (1) do not apply to those animals captured and released as part of an ongoing game management program, an ongoing predator control program or as part of a scientific, educational or research program as certified by the department unless the animals have been involved in livestock killing.

Approved April 6, 1987.

CHAPTER 324
(H.B. No. 240, As Amended)

AN ACT

RELATING TO CAPITAL GAINS DEDUCTIONS FROM INCOME; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3022H, IDAHO CODE, TO ALLOW A DEDUCTION OF CAPITAL GAINS FROM IDAHO ADJUSTED INCOME; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Chapter 30, Title 63, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 63-3022H, Idaho Code, and to read as follows:

63-3022H. DEDUCTION OF CAPITAL GAINS. (1) If for any taxable year an individual taxpayer has a net capital gain which has not already been deducted from gross income in determining Idaho adjusted income, sixty percent (60%) of the net capital gain shall be a deduction from Idaho adjusted income.

(2) For the purpose of this section capital gains deductions shall be allowed only for property which had an Idaho situs at the time of sale, as follows:

(a) Capital gains from sales of real property which has been held for a minimum of five (5) years;

(b) Capital gains from sales of tangible personal property that was used by a revenue-producing enterprise, as defined in section 63-3029E, Idaho Code, in this state;

(c) Capital gains from sales of cattle or horses held for breeding, draft, dairy or sporting purposes by the owner for a period of twenty-four (24) months or more from the date of acquisition and which owner received more than one-half (1/2) of his gross income from farming or ranching operations in this state.

(d) Capital gains from sales of breeding livestock other than cattle or horses held by the owner for a period of twelve (12) months or more from the date of acquisition and which owner received more than one-half (1/2) of his gross income from farming or ranching operations in this state.

(e) Capital gains from sales of timber held by the owner for a period of twenty-four (24) months or more from the date of acquisition.

(3) The deduction allowed by this section shall apply to computing the income of subchapter S corporations and of income attributable to individual members of a partnership, as long as the individual taxpayer held the partnership interest or the shareholder interest for the entire applicable period required in subsection (2) of this section.

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1987.

Approved April 6, 1987.

CHAPTER 325
(H.B. No. 253)

AN ACT

RELATING TO STATE PURCHASING; AMENDING CHAPTER 57, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5727A, IDAHO CODE, TO ALLOW THE STATE TO PARTICIPATE IN GROUP DISCOUNT PURCHASING.

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

SECTION 1. That Chapter 57, Title 67, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 67-5727A, Idaho Code, and to read as follows:

67-5727A. PARTICIPATION IN GROUP DISCOUNT PURCHASING. (1) In addition to other means of procuring stocks of commonly used items, the division administrator may authorize an agency to become a participating member of a group discount purchasing organization, if the administrator finds that:

(a) The items to be acquired are at least equal in quality to similar items or the same items that the agency uses;

(b) The items to be acquired are less costly to the state than if acquired by other means authorized in this chapter;

(c) The state's participation in the organization is formalized by a written contract that extends for no longer than one (1) year at a time;

(d) The state's entrance fee, or participation fee, in the organization is based on criteria applied to all other members of the organization, provides no ownership rights; and

(e) The supplier is a registered vendor.

(2) Any contract entered into under the provisions of this

section shall be maintained on file with the division, as well as with the agency entering into the contract.

(3) Items acquired shall be used solely by state departments and agencies and may not be transferred from state ownership until useful life is extinguished and may not be provided to individuals except those in the custody of the state or to those receiving direct personal services from the state.

Approved April 6, 1987.

CHAPTER 326
(H.B. No. 291)

AN ACT

RELATING TO SALES AND USE TAXES; AMENDING SECTION 63-3603, IDAHO CODE, TO CLARIFY THE DEFINITION OF FARMING; AMENDING SECTION 63-3622D, IDAHO CODE, TO CLARIFY THAT AIRCRAFT ARE NOT SUBJECT TO THE EXEMPTION ALLOWED; AMENDING SECTION 63-3622R, IDAHO CODE, AS AMENDED BY HOUSE BILL NO. 24, FIRST REGULAR SESSION, FORTY-NINTH IDAHO LEGISLATURE, TO STRIKE REFERENCE TO FARM TRACTORS AND IMPLEMENTS OF HUSBANDRY; AND AMENDING SECTIONS 63-3622S, 63-3622T AND 63-3622X, IDAHO CODE, TO CLARIFY THAT AIRCRAFT ARE NOT SUBJECT TO THE EXEMPTION ALLOWED.

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

SECTION 1. That Section 63-3603, Idaho Code, be, and the same is hereby amended to read as follows:

63-3603. FARMING. The terms "farm" and "farming" refer to and mean the business of operating for gain or profit a ranch or farm and include stock, dairy, poultry, fish, fur, fruit and truck farms, ranches, ranges and orchards, and custom farming.

SECTION 2. That Section 63-3622D, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622D. PRODUCTION EXEMPTION. There are exempted from the taxes imposed by this chapter:

(1) The sale at retail, 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.

(2) 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 the exemption allowed by paragraph (1) above, as are other articles of tangible personal property used in the actual manufacturing, processing, mining, farming or fabricating operations.

(3) The exemption allowed by paragraphs (1) and (2) above 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 <u>or aircraft</u> licensed or required to be licensed by the laws of this state, without regard to the use to which such motor vehicles <u>or aircraft</u> are put; nor shall this exemption include tangible <u>personal property</u> used or consumed in processing, producing or fabricating tangible personal property exempted from tax under this act by sections 63-3622F, 63-3622G, 63-3622I and 63-3622M, Idaho Code.

SECTION 3. That Section 63-3622R, Idaho Code, as amended by House Bill No. 24, First Regular Session, Forty-ninth Idaho Legislature, be, and the same is hereby amended to read as follows:

63-3622R. MOTOR VEHICLES AND USED MOBILE HOMES. There are exempted from the taxes imposed by this chapter:

(a) 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.

(b) Sale of motor vehicles and motor equipment not required to be licensed and used as log jammers<u>,</u> <u>or</u> log loaders~~, farm tractors and implements of husbandry~~.

(c) Sale of used manufactured homes, whether or not such used manufactured homes are sold for use outside this state, and whether or not such used manufactured homes are sold by a dealer. Every manufactured home sale after its sale as a "new manufactured home," as defined in section 63-3606, Idaho Code, is a sale as a used manufactured home.

SECTION 4. That Section 63-3622S, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622S. RADIO AND TELEVISION BROADCASTING EQUIPMENT. There are exempted from the taxes imposed by this chapter 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 or aircraft required to be licensed by the laws of this state, without regard to the use to which such motor vehicles or aircraft are put.

SECTION 5. That Section 63-3622T, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622T. EQUIPMENT TO PRODUCE CERTAIN NEWSPAPERS. There are exempted from the taxes imposed by this chapter:

(a) 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 or aircraft required to be licensed by the laws of this state without regard to the use to which such motor vehicles or aircraft are put.

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

(c) 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.

SECTION 6. That Section 63-3622X, Idaho Code, be, and the same is hereby amended to read as follows:

63-3622X. POLLUTION CONTROL EQUIPMENT. There is hereby exempted from the taxes imposed by this chapter the sale, use or purchase of tangible personal property, which property is pollution control equipment required 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 or aircraft required to be licensed by the laws of this state, without regard to the use to which such motor vehicles or aircraft are put.

Approved April 6, 1987.

CHAPTER 327
(H.B. No. 297)

AN ACT

RELATING TO PERSONNEL BENEFITS FOR CLASSIFIED STATE EMPLOYEES; AMENDING CHAPTER 53, TITLE 67, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 67-5309A, IDAHO CODE, TO PROVIDE FOR A SYSTEM TO DETERMINE AND MAINTAIN PERSONNEL BENEFITS FOR CLASSIFIED STATE EMPLOYEES.

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

SECTION 1. 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 67-5309A, Idaho Code, and to read as follows:

67-5309A. PERSONNEL BENEFITS. (1) It is hereby declared to be the policy of the legislature of the state of Idaho that all classified employees of like classification and pay grade allocation shall be treated equally with reference to personnel benefits. In order to provide a mechanism for the legislature and the executive department to determine the relative level of personnel benefits provided to state employees, the personnel commission shall compile data and accept departmental recommendations and compare the benefits provided to state employees with the benefits provided to employees of a selected sample of private employers within the state of Idaho, which most nearly provides a benefit range comparable for jobs of like value.

(2) For the fiscal year beginning July 1, 1987, and each fiscal year thereafter, the commission shall compile a report of department proposed adjustments to existing statutory and nonstatutory personnel

benefits, together with the estimated costs therefor, as recommended by the departments, and shall submit the report to the office of the governor not later than the first day of October of each year. If the governor accepts the commission's report, he shall submit it to the legislature prior to the seventh legislative day of each session. If the governor does not accept the report of the commission, he shall submit his own report on proposed adjustments, and the commission's report, to the legislature prior to the seventh legislative day of each session. The legislature may, by concurrent resolution, accept, modify or reject so much of either report as relates to nonstatutory benefits. The failure of the legislature to accept, modify or reject so much of either report as relates to nonstatutory benefits prior to adjournment sine die shall constitute approval of the governor's report.

Approved April 6, 1987.

CHAPTER 328
(H.B. No. 298)

AN ACT

RELATING TO ASSISTANCE FOR TELECOMMUNICATIONS SERVICE; AMENDING TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 9, TITLE 56, IDAHO CODE, TO ESTABLISH THE TELECOMMUNICATIONS ASSISTANCE PROGRAM IN THE DEPARTMENT OF HEALTH AND WELFARE, TO PROVIDE ELIGIBILITY REQUIREMENTS FOR PARTICIPATION IN THE TELECOMMUNICATIONS ASSISTANCE PROGRAM AND TO PROVIDE FOR THE FURNISHING OF LISTS OF ELIGIBLE RECIPIENTS TO LOCAL TELEPHONE RECIPIENTS TO LOCAL TELEPHONE EXCHANGE COMPANIES, TO PROVIDE FOR DISCOUNTS ON TELEPHONE BILLS OF ELIGIBLE RECIPIENTS, TO REQUIRE COMPLIANCE WITH THE FEDERAL LIFE LINE PROGRAM, TO PROVIDE FOR RECOVERY OF TELECOMMUNICATIONS SERVICE REVENUE REDUCTIONS, TO GRANT RULEMAKING AUTHORITY TO THE IDAHO PUBLIC UTILITIES COMMISSION, TO PROVIDE MONITORING, TO REQUIRE ANNUAL REPORTS TO THE LEGISLATURE, AND TO PROVIDE SEVERABILITY.

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

SECTION 1. That Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 9, Title 56, Idaho Code, and to read as follows:

CHAPTER 9
TELECOMMUNICATIONS SERVICE ASSISTANCE

56-901. TELECOMMUNICATIONS SERVICE ASSISTANCE PROGRAM. A telecommunications service assistance program is hereby established within the department of health and welfare to provide eligible recipients with a reduction in costs of telecommunications services. The program

shall be administered by the department of health and welfare in accordance with the provisions of this chapter and rules and regulations promulgated in compliance with chapter 52, title 67, Idaho Code, to administer the program.

56-902. ASSISTANCE RATE DISCOUNT -- FORM -- APPLICABLE SERVICES --AMOUNT -- APPLICATION. (1) On the effective date of this chapter and after the federal communications commission has certified the program, the telephone corporations providing residential basic local exchange service shall provide assistance in the form of a monthly discount to eligible subscribers of residential basic local exchange service of either two dollars ($2.00) or the same amount as the federal communication commission's subscriber line charge, whichever is greater. In no case will the discount exceed the rate charged for the grade of residential basic local exchange service subscribed to by each eligible individual. The Idaho telephone assistance plan shall only be used to provide for a single residence line at the principal residence of the eligible subscriber.

(2) The providers of residential basic local exchange service and the Idaho department of health and welfare shall comply with all requirements expressly provided by federal order, regulation and statute for eligible subscribers to qualify for the federal "lifeline" telephone assistance program. The Idaho telephone assistance program shall be submitted to the federal communications commission for certification and waiver of the federal subscriber line charge. Upon approval of the waiver and certification, the assistance provided by the local exchange telephone company shall be increased to include a waiver of the subscriber line charge.

56-903. ASSISTANCE ELIGIBILITY. (1) In order to be considered for the telecommunications service assistance program, applicants shall be the head of a household, shall be sixty (60) years of age or older and participate in the low income home energy assistance program (LIHEAP). The department of health and welfare shall develop procedures for taking applications for assistance and for determining and certifying program eligibility. Such applications shall contain the disclosure of information authorization necessary to process the assistance discounts. Individuals who qualify for assistance under this chapter must be periodically recertified by the department of health and welfare.

(2) At least once each year the department shall provide a list of names, addresses and, if applicable, telephone numbers of all eligible recipients to each local exchange telephone company. The local exchange telephone company shall determine from the list those recipients to whom the company provides service.

56-904. RECOVERY OF TELECOMMUNICATIONS SERVICE REVENUE REDUCTIONS. (1) The Idaho public utilities commission shall determine and impose a company specific uniform monthly surcharge on each business and residential access line in an amount sufficient to reimburse each provider of residential basic local exchange service for the total amount of telephone assistance discounts provided and the expense of

administering the plan. Such surcharge shall be effective concurrent with the discounts given eligible subscribers. The surcharge shall not be imposed on eligible subscribers.

(2) The Idaho public utilities commission may adopt rules necessary to receive matching federal low income telephone assistance and to implement the Idaho telephone assistance program, including procedures for adjustment and true-up of the subscriber surcharge.

(3) The public utilities commission shall monitor the effectiveness of the telephone assistance program and issue annual reports to the legislature.

56-905. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved April 6, 1987.

CHAPTER 329
(H.B. No. 299, As Amended, As Amended in the Senate)

AN ACT

RELATING TO LOCAL PLANNING; AMENDING SECTION 67-6511, IDAHO CODE, TO PROVIDE ALTERNATE FORMS OF NOTICE BY LOCAL ORDINANCE IN LIEU OF POSTED OR MAILED NOTICE.

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

SECTION 1. That Section 67-6511, Idaho Code, be, and the same is hereby amended to read as follows:

67-6511. ZONING ORDINANCE. Each governing board shall, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, establish within its jurisdiction one or more zones or zoning districts where appropriate. The zoning districts shall be in accordance with the adopted plan.

Within a zoning district, the governing board shall where appropriate, establish standards to regulate and restrict the height, number of stories, size, construction, reconstruction, alteration, repair or use of buildings and structures; percentage of lot occupancy, size of courts, yards, and open spaces; density of population; and the location and use of buildings and structures. All standards shall be uniform for each class or kind of buildings throughout each district, but the standards in one (1) district may differ from those in another district.

Ordinances establishing zoning districts shall be amended as follows:

(a) Requests for an amendment to the zoning ordinance shall be

submitted to the zoning or planning and zoning commission which shall evaluate the request to determine the extent and nature of the amendment requested.

(b) If the request is in accordance with the adopted plan, the zoning or planning and zoning commission may recommend and the governing board may adopt or reject the ordinance amendment under the notice and hearing procedures provided in section 67-6509, Idaho Code, provided that in the case of a zoning district boundary change, additional notice shall be provided by mail to property owners or purchasers of record within the land being considered~~;~~, and within three hundred (300) feet of the external boundaries of the land being considered~~;~~, and any additional area that may be impacted by the proposed change as determined by the commission. Notice shall also be posted on the premises not less than one (1) week prior to the hearing. When notice is required to two hundred (200) or more property owners or purchasers of record, alternate forms of procedures which would provide adequate notice may be provided by local ordinance in lieu of posted or mailed notice.

(c) If the request is not in accordance with the adopted plan, the request shall be submitted to the planning or planning and zoning commission or, in absence of a commission, the governing board, which shall recommend and the governing board may adopt or reject an amendment to the plan under the notice and hearing procedures provided in section 67-6509, Idaho Code. After the plan has been amended, the zoning ordinance may then be amended as provided for under section 67-6511(b), Idaho Code.

(d) If a governing board adopts a zoning classification pursuant to a request by a property owner based upon a valid, existing comprehensive plan and zoning ordinance, the governing board shall not subsequently reverse its action or otherwise change the zoning classification of said property without the consent in writing of the current property owner for a period of four (4) years from the date the governing board adopted said individual property owner's request for a zoning classification change. If the governing body does reverse its action or otherwise change the zoning classification of said property during the above four (4) year period without the current property owner's consent in writing, the current property owner shall have standing in a court of competent jurisdiction to enforce the provisions of this section.

Approved April 6, 1987.

CHAPTER 330
(H.B. No. 309)

AN ACT

RELATING TO THE STATE ADJUTANT GENERAL; AMENDING SECTION 46-111, IDAHO CODE, TO REQUIRE THE ADJUTANT GENERAL SHALL BE A FEDERALLY RECOGNIZED MEMBER OF THE NATIONAL GUARD.

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

SECTION 1. That Section 46-111, Idaho Code, be, and the same is hereby amended to read as follows:

46-111. ADJUTANT GENERAL. There shall be an adjutant general who shall be appointed by the governor and shall hold office during the pleasure of the governor and his commission shall expire with the term of the governor appointing him. The adjutant general shall be the commanding general of the military forces of the state and in addition to the duties delegated to him by law, he shall perform such other duties as prescribed by the governor as commander-in-chief. The adjutant general shall be commissioned in the national guard with the rank of not less than brigadier general. No person is eligible for appointment as adjutant general unless he is a federally recognized member of the national guard with not less than six (6) years service as a commissioned officer in the national guard of Idaho and has attained the rank of lieutenant colonel or above.

Approved April 6, 1987.

CHAPTER 331
(H.B. No. 311, As Amended in the Senate,
As Amended in the Senate)

AN ACT

RELATING TO NOXIOUS WEEDS; AMENDING SECTION 22-2440, IDAHO CODE, TO PROVIDE THAT STATE POLICY IS THE CONTROL OF NOXIOUS WEEDS; AMENDING SECTION 22-2441, IDAHO CODE, TO REQUIRE THAT CERTAIN PERSONS SHALL CONTROL NOXIOUS WEEDS AND TO STRIKE OBSOLETE LANGUAGE; AMENDING SECTION 22-2442, IDAHO CODE, TO EXPAND DEFINITIONS AND TO PROVIDE NEW DEFINITIONS; AMENDING SECTION 22-2443, IDAHO CODE, TO REDEFINE AND EXPAND THE DUTIES AND POWERS OF THE DIRECTOR; AMENDING SECTION 22-2443A, IDAHO CODE, TO REQUIRE COUNTIES TO CONTROL NOXIOUS WEEDS, TO PROVIDE FOR WRITE-IN CANDIDATES IN WEED CONTROL DISTRICT ELECTIONS AND TO ALLOW WEED DISTRICT DIRECTORS TO SET THE COUNTY WEED LEVY; AMENDING SECTION 22-2444, IDAHO CODE, TO PROVIDE FOR NOTICES FOR CONTROL OF NOXIOUS WEEDS, TO PROVIDE FOR PUBLIC MEETINGS AND TO PROVIDE PROSECUTION FOR UNPAID COSTS; AMENDING SECTION 22-2446, IDAHO CODE, TO PROVIDE FOR THE COST OF CONTROLLING NOXIOUS WEEDS; AMENDING SECTION 22-2447, IDAHO CODE, TO CLARIFY REQUIREMENTS FOR THE PREVENTION OF DISSEMINATION OF NOXIOUS WEEDS; REPEALING SECTION 22-2448, IDAHO CODE; AMENDING SECTION 22-2450, IDAHO CODE, TO AUTHORIZE CONTROL AUTHORITIES TO MAKE NECESSARY PURCHASES FOR THE CONTROL OF NOXIOUS WEEDS; AMENDING SECTION 22-2451, IDAHO CODE, TO AUTHORIZE THE DIRECTOR TO DESIGNATE SPECIAL MANAGEMENT ZONES FOR CONTROL OF INTENSE INFESTATIONS OF NOXIOUS WEEDS; AMENDING SECTION 22-2452, IDAHO CODE, TO PROVIDE FOR APPEALS BY AGGRIEVED PERSONS IN THE CONTROL OF NOXIOUS WEEDS;

AMENDING SECTION 22-2453, IDAHO CODE, TO EXEMPT A TAX LEVY FOR THE CONTROL OF NOXIOUS WEEDS BY COUNTY CONTROL AUTHORITIES FROM BUDGET LIMITATIONS; AMENDING SECTION 22-2454, IDAHO CODE, TO PROVIDE FOR A NOXIOUS WEED FUND TO PAY FOR COSTS INCURRED IN THE CONTROL OF NOXIOUS WEEDS; AMENDING SECTION 22-2455, IDAHO CODE, TO PROVIDE FOR THE APPOINTMENT OF A WEED CONTROL ADVISORY COMMITTEE IN THE ABSENCE OF A COUNTY WEED CONTROL DISTRICT; AMENDING SECTION 22-2456, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR UNDER EMERGENCY PROCEDURES AND ON THE ADVICE OF ANY WEED AUTHORITY MAY TEMPORARILY DESIGNATE A WEED AS NOXIOUS; AMENDING SECTION 22-2457, IDAHO CODE, TO PROVIDE FOR DEFICIENCY WARRANTS FOR EXCESS COSTS OF WEED CONTROL; AMENDING CHAPTER 24, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-2461, IDAHO CODE, TO PROVIDE FOR INSPECTIONS AND SEARCH WARRANTS; AMENDING SECTION 22-2462, IDAHO CODE, TO PROVIDE PENALTIES FOR VIOLATIONS OF THE NOXIOUS WEED LAW AND TO PROVIDE THAT A COUNTY WEED BOARD OR ADVISORY COMMITTEE SHALL BE A POLITICAL SUBDIVISION UNDER THE IDAHO TORT CLAIMS ACT.

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

SECTION 1. That Section 22-2440, Idaho Code, be, and the same is hereby amended to read as follows:

22-2440. DECLARATION OF POLICY. Noxious weeds ~~have become so thoroughly established and are spreading so rapidly on public and private lands that they~~ pose a serious menace to the public welfare and the state's economic stability. Therefore, it is hereby established that a coordinated and continuing ~~eradication and~~ control program on noxious weeds is necessary. Responsibility for ~~eradication and~~ control of noxious weeds rests not only on the individual landowner and operator, but also on county, state and federal governments. It is the purpose of this chapter to provide the statutory and financial means for the control ~~and eradication~~ of noxious weeds, wherever such noxious weeds occur in this state.

SECTION 2. That Section 22-2441, Idaho Code, be, and the same is hereby amended to read as follows:

22-2441. DUTY OF PERSONS TO CONTROL ~~THE--SPREAD--OF--AND--TO ERADICATE~~ NOXIOUS WEEDS.

(1) The primary duty and responsibility for controlling ~~the spread of--and--for--eradicating~~ noxious weeds on private lands rests on the person who owns or controls the land.

(2) The primary duty and responsibility for controlling ~~the spread--of--and--for--eradicating~~ noxious weeds on the lands, lakes, reservoirs, ditches and water courses, and all rights-of-way appurtenant thereto, of drainage districts, irrigation districts, and canal companies rests on the drainage district, irrigation district, or canal company. All noxious weed control expenses shall be a proper maintenance expense of the district or canal company.

(3) The primary duty and responsibility for controlling ~~the spread--of--and--for--eradicating~~ noxious weeds on the lands and rights-

of-way of highway districts, ~~good-road-districts,~~ and county highway systems, rests on the administering district or county. All noxious weed control expenses shall be a proper highway maintenance expense of the district or county system.

(4) The primary duty and responsibility for controlling ~~the spread-of-and-for-eradicating~~ noxious weeds on public lands, including cities, within a county, other than lands owned or controlled by the state or federal government, and other than those lands or areas for which responsibility is assigned by subsections (2) and (3) of this section, rests on the county.

(5) The primary duty and responsibility for ~~preventing--and~~ controlling ~~the--spread--of--and--for-eradicating~~ noxious weeds on state lands rests on the state. To the extent possible, all noxious weed control expenses shall be considered a regular maintenance and operating expense of the administering agency.

SECTION 3. That Section 22-2442, Idaho Code, be, and the same is hereby amended to read as follows:

22-2442. DEFINITIONS. As used in this chapter:

(1) "Agency" means:

(a) In the case of the federal government, any authority which exercises administrative control over defined areas of federal property within the state of Idaho;

(b) In the case of the state of Idaho, any department, board, commission, or institution which exercises administrative control over lands owned or controlled by the state, whether by fee simple ownership, lease, rights-of-way, or easements; and shall include, without being limited to, the department of correction, the department of fish and game, the transportation department, the department of lands~~,~~ and the department of parks and recreation~~, and-the-department-of-water-resources~~.

(2) "Control," "controlled" or "controlling" includes being in charge of or being in possession, whether as owner, lessee, renter, tenant, or holder of an easement, whether under statutory authority or otherwise.

(3) "Director" means the director of the department of agriculture or his designated agent.

(4) "Environment" includes water, air, land, all plants, man and other animals living therein, and the interrelationships which exist among these.

(5) "Land" means all land and water areas, including air space, and all plants, animals, structures, buildings, contrivances, and machinery appurtenant thereto or situated thereon, fixed or mobile, including any used for transportation.

(6) "Noxious weed" means any plant which is determined by the director to be injurious to public health, crops, livestock, land or other property.

(7) "Control authority" means:

(a) On the state level, the director of the department of agriculture;

(b) On the county level, the board of county commissioners, or

the board of directors of a weed control district.

(8) "Applicable fund or account" means:

(a) In the case of the state of Idaho, the noxious weed account, which is hereby created and established in the dedicated fund and which shall be used exclusively for the purposes prescribed by this chapter;

(b) In each county, the noxious weed fund, which is hereby created and established and shall be maintained in each county and which shall be used exclusively for the purposes prescribed by this chapter.

(9) "Person" means any individual, partnership, firm, corporation, company, society, association, the state or any department, agency or subdivision thereof, drainage district, irrigation district, highway district~~, good road district,~~ or any other entity.

(10) "Weed control" may be local, regional, or statewide in scope, and shall include, but not be limited to, any of the following methods as determined by the weed control authority:

(a) "~~Weed p~~Prevention" is the process of forestalling ~~the contamination of an area by a noxious or objectionable plant species. Prevention includes the measures taken to forestall~~ or hindering the introduction and establishment of a specific plant species in areas not currently infested with those weed species. ~~Such areas may be local, regional, or statewide in scope.~~

(b) "Suppression" is the process of limiting, containing, or reducing live plants, plant parts and seeds of the target species from an area.

~~(11) "Weed control" is the process of containing and limiting weed infestations.~~

(~~12~~c) "~~Weed e~~Eradication" is the process designed to provide for the complete elimination of all live plants, plant parts, and seeds of the target species from an area.

SECTION 4. That Section 22-2443, Idaho Code, be, and the same is hereby amended to read as follows:

22-2443. ENFORCEMENT OF CHAPTER VESTED IN DIRECTOR -- POWERS AND DUTIES. (1) (a) The duty of enforcing this chapter and carrying out its provisions is vested in the director, and the control authorities designated in this chapter acting under the supervision and direction of the director. The director shall determine what weeds are noxious for the purposes of this chapter, and shall compile and keep current a list of such noxious weeds, which list shall be published and incorporated in the rules and regulations of the director. The director shall, from time to time, adopt and publish methods as official for control ~~and eradication~~ of noxious weeds and make and publish such rules and regulations as in his judgment are necessary to carry out the provisions of this chapter.

(b) The director is authorized to investigate the subject of noxious weeds; to require information, annual work plans, and reports from each county as to the presence of noxious weeds and other information relative to noxious weeds and the control ~~and eradication~~ thereof; to cooperate in carrying out other acts administered by him;

to cooperate with agencies of federal and state governments and persons in carrying out his duties under this chapter, and~~, with the consent of the governor,~~ in the conduct of investigation outside this state in the interest of the protection of the economic activities of this state from noxious weeds not generally distributed therein; with the consent of the federal agency involved, to control ~~and eradicate~~ noxious weeds on federal lands within this state, with or without reimbursement, when deemed by him to be necessary to an effective weed control ~~and eradication~~ program; to advise and confer as to the extent of noxious weed infestations and the methods determined best suited to the control ~~and eradication~~ thereof; to call and attend meetings and conferences dealing with the subject of noxious weeds; to disseminate information and conduct educational campaigns in cooperation with the University of Idaho's extension service~~,~~ and others with respect to the ~~prevention,~~ control~~, and eradication~~ of noxious weeds; to procure materials and equipment and employ a statewide weed coordinator to carry out his duties and responsibilities; and to perform such other acts as may be necessary or appropriate to the administration of this chapter.

(c) When determined by the director that a county has failed to carry out any of its duties and responsibilities as a control authority, the director may request that the attorney general bring an action in the district court against the control authority to require compliance with the provisions of this chapter.

(d) The director is authorized to investigate the subject of noxious weeds, to require information, annual work plans, and reports from each state department, board, commission, or institution which exercises administrative control over lands owned or controlled by the state. The annual work plans shall be submitted to the director and the respective county control authority within those particular areas of jurisdiction.

(e) The director shall have the responsibility of cooperating with the federal government in planning, coordinating and executing a meaningful program of weed control on indigenous federal land. To the extent possible, all noxious weed control expenses should be considered a regular maintenance and operating expense of the administrating federal agency.

(2) The director may inspect and certify Idaho crops and imports and exports to verify freedom from noxious weeds, and may authorize county weed superintendents and others to perform such inspections and certification.

SECTION 5. That Section 22-2443A, Idaho Code, be, and the same is hereby amended to read as follows:

22-2443A. ENFORCEMENT OF WEED CONTROL IN COUNTY -- COUNTY-WIDE WEED DISTRICT. (1) Each county shall carry out the duties and responsibilities vested in it under this chapter with respect to land under its jurisdiction, in accordance with rules and regulations prescribed by the director. Such duties shall include the establishment of a coordinated program for ~~prevention,~~ control~~, and eradication~~ of noxious weeds within such county. Each county shall exercise its authority and

responsibility through the board of county commissioners. If at any time the board of county commissioners has failed to carry out its responsibilities, the director shall proceed as provided in section 22-2443(c), Idaho Code; or if the board of county commissioners has failed for a period of sixty (60) days to carry out any program ordered by the director, the provisions of subsection (2) of this section shall apply.

(2) The board of county commissioners may initiate the organization of a county-wide weed district on its own motion or shall provide for the organization of a county-wide weed district within thirty (30) days after presentation of a petition signed by not less than fifty (50) resident real property holders of said county.

(a) If a petition is prepared, it shall be presented to the county clerk and recorder, and the petition shall be signed by not less than fifty (50) of the resident real property holders of the county. The area of the district shall be the same as the county.

(b) Upon the filing of the petition, the county clerk shall examine the petition and certify whether the required number of petitioners have signed. If the number of petition signers is sufficient, the clerk shall transmit the petition to the board of county commissioners.

(c) Upon receipt of a duly certified petition, the board of county commissioners shall give notice of an election to be held in the county for the purpose of determining whether or not the proposed district shall be organized and to elect five (5) persons to be the first board of directors for the district. Such notice shall include the date and hours of the election, the polling places, and the names ~~and terms~~ of five (5) persons ~~to be elected to the first board of directors. The names and terms of the persons to be elected to the first board of directors~~ nominated by the county commissioners. These names shall be placed on the ballot with provision for five (5) write-in candidates. The terms of office shall be determined by the board of county commissioners. ~~The terms~~ and shall be staggered so that two (2) terms shall ~~expire on~~ January 1, following the general election occurring next after the organization of the district, and three (3) terms shall expire on January 1, following the second general election occurring after the organization of the district. The notice shall be published once each week for three (3) consecutive weeks prior to such election in a newspaper of general circulation in the county. The election to establish a county-wide weed district may be conducted at any general election.

(d) The election shall be held and conducted as nearly as may be in the same manner as a general election in this state, except that electors need not be registered in order to vote in such election. The board of county commissioners shall appoint three (3) judges, one (1) of whom shall act as clerk for the election. Each elector may be required to take an oath that he is a resident of the county, and otherwise possesses all the qualifications of an elector before casting his vote. At such election the electors shall vote for or against the organization of the district, and the for members of the first board of directors.

(e) The judges of election shall certify the returns of the election to the board of county commissioners. If a majority of the votes cast at said election are in favor of the organization, the board of county commissioners shall declare the district organized, and shall further designate the first board of directors elected.

(f) At the general election occurring next after the organization of a county-wide weed district, and at each general election thereafter, there shall be elected the number of directors of the district whose terms expire on the following January 1. The term of an elected director shall be four (4) years, commencing on January 1, next following election. Vacancies in the office of an elected director shall be filled by appointment of the board of county commissioners for the balance of the term.

(g) Not later than sixty (60) days prior to a general election, nomination may be filed with the county clerk and recorder, and if a nominee does not withdraw his name before the first publication of the notice of election, his name shall be placed on the ballot, separate and distinct from all other contests to be voted on at the general election. The conduct of and the results of such election shall be governed by the laws applicable to general elections.

(h) The board of directors of a county-wide weed district shall conduct the affairs of the district, and their authority and responsibility shall be the same as that conferred upon a board of county commissioners by the provisions of this chapter. The board of directors shall receive such compensation and expenses as are fixed by the board of county commissioners.

(i) If the election cannot be held in conjunction with a general election, a~~A~~t the same time as the board of county commissioners gives notice of an election for the organization of a county-wide weed district, the board of county commissioners may require that the petitioners file a bond with the county auditor in an amount sufficient to cover the costs of the election. The county auditor shall estimate the amount of such costs, and the election need not be conducted if such bond has been ordered by the board of county commissioners but has not been filed with the county auditor. The bond shall be made payable to the county noxious weed fund, but shall be enforced only if moneys in the noxious weed fund are insufficient to pay the costs of the election, and then only so much as is necessary to pay the balance of costs not paid from the moneys available in the fund. All costs for all other elections for a county-wide weed district shall be a proper charge against the noxious weed fund.

(~~3~~4) A county may cooperate with any person or with the federal government in carrying out its duties and responsibilities under this chapter, and shall cooperate with the director in carrying out other acts administered by him.

(~~4~~5) (a) Each county shall employ one or more weed control superintendents who shall be certified by the director to be qualified to detect and treat noxious weeds. The same person may be a weed control superintendent for more than one (1) county control

authority. Such employment may be for such tenure, and at such rates of compensation and reimbursement for travel expenses, as the county may prescribe, and without regard to any provisions of law relating to age or dual compensation.

(b) Under the direction of the employing county, it shall be the duty of every weed control superintendent to examine all land within the county for the purpose of determining whether the provisions of this chapter and regulations of the director have been complied with; he shall compile such data on infested areas and areas eradicated and such other reports as the director or county may require; consult and advise upon matters pertaining to the best and most practical methods of noxious weed ~~prevention,~~ control~~,-and-eradication,~~ and render assistance and direction for the most effective ~~prevention,~~ control~~,-and-eradication~~; investigate or aid in the investigation and prosecution of any violation of this chapter; assist the county assessor as provided in this chapter; and perform such other duties as required by the county in the performance of its duties. Weed control superintendents shall cooperate and assist one another to the extent practicable. County weed control superintendents shall supervise the carrying out of the coordinated ~~prevention,~~ control ~~and-eradication~~ program within the county.

(5~~6~~) Upon formation of a county-wide weed district, all rights, title and interest in lands and personal property owned by the county for weed control purposes shall be transferred to and thereafter be vested in the board of directors of the weed district, and control over all moneys in the noxious weed fund shall be transferred to the board of directors, and within the limits of the law, they may establish the county weed levy. Upon dissolution of a county-wide weed district, all rights, title and interest in lands and personal property owned by the district for weed control purposes shall be transferred to and thereafter be vested in the board of county commissioners, and control over all moneys in the noxious weed fund shall be transferred to the board of county commissioners.

SECTION 6. That Section 22-2444, Idaho Code, be, and the same is hereby amended to read as follows:

22-2444. NOTICES FOR CONTROL ~~AND-ERADICATION~~ OF NOXIOUS WEEDS -- EFFECT -- PUBLIC MEETING REQUIRED ON PETITION. (1) Notices for control ~~and-eradication~~ of noxious weeds shall consist of two (2) kinds: ~~notice--of--an-annual-public-meeting-and-individual-notices,-of-a-form prescribed-by-the-director.-Failure-to-publish-the-notice-of-an-annual public-meeting-or-serve-individual-notices-herein--provided--does--not relieve--any--person--from--the-necessity-of-full-compliance-with-this chapter-and-regulations-thereunder.-In-all-cases-said-published-notice shall-be-deemed-legal-and-sufficient-notice.~~

~~The-notice-of-an-annual-public-meeting-shall-be-published-by--each county-in-one-or-more-newspapers-of-general-circulation-throughout-the area,--or-areas,-over-which-the-county-has-jurisdiction,-at-least-once a-week-for-two-(2)-weeks,-on-or-before-February-1-of--each--year,--and shall-state-that-the-weed-program-for-the-year,-with-associated-costs,~~

~~will--be-the-subject-of-the-meeting.--The-annual-meeting-shall-be-held during-the-month-of-February~~ (a) a general notice for control of noxious weeds to be published in a newspaper of general circulation within the county; and (b) individual notices in a form prescribed by the director.

(2) Failure to publish the notice for control or serve individual notices herein provided does not relieve any person from the necessity of full compliance with this chapter and regulations thereunder. In all cases said published notice shall be deemed legal and sufficient notice. The general notice for control shall be published at least one time between March 1st and April 30th and shall contain a list of the Idaho noxious weeds and shall specifically indicate those noxious weeds known to be in or imminently threatening to the county, and shall stipulate the obligation to control.

(3) Whenever any county finds it necessary to secure more prompt or definite ~~prevention,~~ control~~,-or-eradication~~ of noxious weeds than is accomplished by the general notice ~~of-an-annual-public-meeting~~, it shall cause individual notices to be served upon the person owning and the person controlling such land, giving specific instructions ~~and methods~~ when and how certain named weeds are to be ~~prevented,~~ controlled~~,-or-eradicated~~. The individual notice shall also contain information concerning the right to appeal pursuant to section 22-2452, Idaho Code. Individual notices shall be applicable only to the current growing season.

Within sixty (60) days of a petition by any affected person, a public meeting shall be held to review the county weed program and allow public comment.

~~(2)~~ (a) Whenever the owner or person in control of private land on which noxious weeds are present has neglected or failed to initiate control ~~or-eradication~~ as required pursuant to this chapter within five (5) working days from receipt of an individual notice given pursuant to this section, the county having jurisdiction shall have proper control ~~and-eradication~~ methods used on such land, including necessary destruction of ~~growing~~ crops, and shall advise the owner and person in control of the cost incurred in connection with such operation. The cost of any such control ~~or eradication~~ shall be at the expense of the owner. If unpaid for sixty (60) days or longer the amount of such expense shall become a lien upon the property and shall be subject to collection by the county by sale of the property in the same manner as for delinquent taxes. Nothing contained in this section shall be construed to require satisfaction of the obligation imposed hereby in whole or in part from the sale of property or to bar the application of any other or additional remedy otherwise available. Amounts collected under this section shall be deposited to the noxious weed fund of the county.

(b) Whenever the owner or person in control of lands other than private lands or federal lands on which noxious weeds are present has neglected or failed to control ~~or-eradicate~~ them as required pursuant to this chapter, and any notice given pursuant to this section, the control authority having jurisdiction shall have proper ~~prevention,~~ control~~,-and-eradication~~ methods used on such

land, and shall advise the owner and person in control of the cost incurred in connection with such operation. The cost of any such control ~~or eradication~~ shall be at the expense of the owner or person in control of the land. If the costs have not been paid within sixty (60) days to the control authority which performed the work, the control authority may direct that suit be brought in a court of competent jurisdiction for the unpaid charges.

~~1. If the prevention, control, or eradication has been performed upon lands under the control of an irrigation district, canal company, highway district, good road district, or county highway system, and the costs have not been paid within sixty (60) days to the control authority which performed the work, the board of county commissioners may direct that suit be brought in district court to recover the unpaid charges.~~

~~2. If the control or eradication has been performed by the state upon lands under the jurisdiction of a county with which the state has no contract or agreement for prevention, control, or eradication, and the costs have not been paid within sixty (60) days to the state, the director may direct that suit be brought in district court to recover the unpaid charges.~~

~~3. If the prevention, control, or eradication has been performed upon state lands and the cost has not been paid within sixty (60) days to the control authority which performed the work, the control authority which performed the work may direct that suit be brought in a court of competent jurisdiction for the unpaid charges.~~

(~~3~~5) When it appears to a control authority that upon any tract of land under its jurisdiction there is an infestation of noxious weeds beyond the ability of the owner and the person in control of such land to ~~eradicate~~ control, the control authority, ~~with~~ subject to the approval of the director, may quarantine such land and put into immediate operation the necessary means for the ~~prevention,~~ control, ~~and eradication~~ of such noxious weeds including necessary destruction of ~~growing~~ crops. The control authority shall, prior to the entry upon such land, serve individual notices on the owner, if known, and the person in control thereof of such quarantine and of the date of the proposed entry, and shall also advise the same persons of the completion of the ~~prevention,~~ control, ~~or eradication~~ operation and the cost thereof.

(~~4~~6) A weed control authority who finds noxious weeds ~~or weed seeds~~ on land that is unoccupied or on land the occupant of which is not readily determinable; and after inquiry determines that it is not practicable to serve a notice pursuant to subsection (1) of this section within seventy-two (72) hours, may cause the noxious weeds ~~or weed seeds~~ to be destroyed immediately by any means consistent with sound weed ~~prevention,~~ control, ~~and eradication~~ practices. Immediately upon taking action under this subsection, the authority shall notify the owner of the land, by registered mail addressed to his address as shown on the assessment roll of the county, of the action taken.

SECTION 7. That Section 22-2446, Idaho Code, be, and the same is hereby amended to read as follows:

22-2446. COST OF ~~PREVENTING,~~ CONTROLLING~~,-AND-ERADICATING-OF~~ NOXIOUS WEEDS. (1) The cost of controlling ~~and-eradicating~~ noxious weeds on all land, including highways, roadways, streets, alleys and rights-of-way, owned or controlled by a state department, agency, commission or board shall be paid by the state department, agency, commission or board in control thereof out of funds available for that purpose.

(2) The cost of ~~preventing,~~ controlling~~,-and-eradicating~~ noxious weeds on all land owned or controlled by a county shall be paid by the county in control thereof out of the county noxious weed fund or such other funds as the control authority has available for that purpose.

(3) ~~Funds-available-to-any-person-may-be-used-for-the-control-and eradication-of-noxious-weeds-on-land-owned-or-controlled-by-him.~~

~~(4)~~ Notwithstanding any other provisions of this chapter relating to payment of cost, when determined by a control authority to be justified in the interest of an effective weed control program, such control authority may ~~cause-the-prevention,~~ control~~,--and--eradication of~~ noxious weeds on land under its jurisdiction, without costs to the owner or person in control thereof. Such justification shall be in writing and shall be open to inspection by any person owning or controlling land under the jurisdiction of such control authority.

SECTION 8. That Section 22-2447, Idaho Code, be, and the same is hereby amended to read as follows:

22-2447. PREVENTION OF DISSEMINATION OF NOXIOUS WEEDS. To prevent the dissemination of noxious weeds through any article, including machinery, equipment, plants, materials and other things, the director shall, from time to time, publish a list ~~of-noxious-weeds-which-may-be disseminated-through-articles-and-a-list~~ of articles capable of disseminating ~~such~~ noxious weeds, and designate treatment of such articles as, in his opinion, would prevent such dissemination. Until such article is treated in accordance with the applicable regulations, it shall not be moved from ~~such~~ designated premises except under and in accordance with the written permission of the control authority having jurisdiction of the area in which such article is located, and the control authority may hold or prevent its movement from such premises. The movement of any such article which has not been so treated, except in accordance with such written permission, may be stopped by the control authority having jurisdiction over the place in which such movement is taking place and further movement and disposition shall only be in accordance with such control authority's direction.

SECTION 9. That Section 22-2448, Idaho Code, be, and the same is hereby repealed.

SECTION 10. That Section 22-2450, Idaho Code, be, and the same is hereby amended to read as follows:

22-2450. CONTROL AUTHORITIES AUTHORIZED TO PURCHASE OR PROVIDE NECESSARY EQUIPMENT AND MATERIALS. Control authorities, independently or in combination, may purchase or provide for needed or necessary equipment and materials for the ~~prevention,~~ control~~,--and--eradication~~ of weeds on land under their jurisdiction and may sell such materials to persons owning or controlling land under their jurisdiction and may make available the use of machinery and other equipment and operators as they deem necessary for the ~~prevention,~~ control ~~and-eradication~~ of weeds, and the cost to the persons owning and controlling land under their jurisdiction shall be charged at the retail value for such material, machinery, other equipment and operators. All funds so received shall be deposited to the noxious weed fund. Each control authority shall keep a record showing the procurement, sale and rentals of materials and equipment, which record shall be open to inspection by residents of this state. A control authority may use any equipment or material procured as provided for in this section upon lands whether or not owned or controlled by it, and whether or not within its control area, for the treatment and eradication of weeds.

SECTION 11. That Section 22-2451, Idaho Code, be, and the same is hereby amended to read as follows:

22-2451. PLANS FOR ~~PREVENTION,~~ CONTROL~~,-AND-ERADICATION~~ WHICH MAY BE EXTENDED OVER A PERIOD OF YEARS. (1) It is recognized that the ~~prevention,~~ control~~,-and-eradication~~ of noxious weeds presents a problem for immediate as well as for future ~~action.~~ It is further recognized that immediate ~~prevention,~~ control~~,-and-eradication~~ is practicable on some areas and some farms, and that ~~prevention,~~ control~~,--and eradication~~ on other areas and farms must necessarily be extended over a period of time. Therefore, it is the intention of this chapter that control authorities may use their discretion and by agreement with the owners of land may propose and accept plans for ~~prevention,~~ control~~, and-eradication~~ which may be extended over a period of years. The control authorities, upon the recommendation and advice of the weed control superintendents or the advisory committees, may make an agreement with the owner of any parcel of land, which agreement shall be a contract between the landowner and the respective control authority, and the control authority shall have the power and it shall be its duty to enforce the terms of any such agreement. It shall be within the discretion of the control authority to make any terms which will serve best the interests of the owner or owners of such parcel of land and the common welfare which will comply with law.

(2) There are certain areas which have widespread concentrations of a particular weed. The director may designate special management zones for each Idaho noxious weed where the intensity of infestation is so great that short term control is not reasonably attainable. Control requirements within these zones may be modified with the consent of the director.

SECTION 12. That Section 22-2452, Idaho Code, be, and the same is hereby amended to read as follows:

22-2452. APPEALS BY AGGRIEVED PERSONS. (1) If any person shall be dissatisfied with the amount of any charge made against it by a control authority for ~~prevention,~~ control~~,--or-eradication~~ work or for the purchase of materials or use of equipment, he may, within thirty (30) days after being advised of the amount of the charge, file a protest with the director.

(2) If any person shall be dissatisfied with the ~~prevention,~~ control~~,--or-eradication~~ measures used or the manner in which ~~prevention,~~ control~~,-or-eradication~~ is conducted upon his property, he may, within thirty (30) days file a protest with the director.

(3) Any person served with an individual notice setting out the manner and duration of ~~prevention-or~~ control of noxious weeds may, within two (2) days of receipt of the notice, appeal to the board of county commissioners the methods and or duration of ~~prevention-or~~ control of noxious weeds set out in the individual notice. A hearing shall be set by the board of county commissioners within five (5) days after receipt of notice of the appeal. Notice of the hearing shall be sent by the board of county commissioners to the appellant and to the control authority which issued the individual notice.

(4) Other than the procedures specifically set out in this chapter, procedures for hearings thereon and appeals pertaining to this chapter shall be as provided in chapter 52, title 67, Idaho Code.

SECTION 13. That Section 22-2453, Idaho Code, be, and the same is hereby amended to read as follows:

22-2453. SOURCE OF FUNDS OF COUNTY CONTROL AUTHORITIES. (1) The board of county commissioners of each county in this state may levy annually upon all taxable property of said county a tax for the ~~prevention,~~ control~~,-and-eradication~~ of noxious weeds to be collected and apportioned to the county noxious weed fund, which levy shall not exceed .0006 on each one hundred dollars ($100.00) of the market value of said property in said county, and which levy shall be exempt from the provisions of sections 63-923 and 63-2220, Idaho Code.

(2) The board of county commissioners may utilize any other methods or local options that may be available to them for the purpose of funding a coordinated noxious weed ~~prevention,~~ control~~,--or eradication~~ program on the county level.

(3) Any monies received by the county control authority under this chapter shall be apportioned to the county noxious weed fund and shall be accounted for as prescribed by the county auditor.

SECTION 14. That Section 22-2454, Idaho Code, be, and the same is hereby amended to read as follows:

22-2454. DISBURSEMENTS FROM AND REPAYMENTS TO THE NOXIOUS WEED FUND. (1) The noxious weed fund shall be a revolving fund, and the moneys in the fund may be used for any purpose consistent with the provisions of this chapter. Other than the moneys received from the ad valorem tax authorized by section 22-2453(1), Idaho Code, or the assessments authorized by section 22-2453(2), Idaho Code, the moneys in the noxious weed fund need not be budgeted or appropriated in the

manner required by chapter 16, title 31, Idaho Code, but shall be available for expenditure at any time. An accounting of all transactions in the noxious weed fund, whether budgeted and appropriated or not, shall be maintained and reported in the report required by section 31-2307, Idaho Code.

(2) Disbursements from the noxious weed fund shall be made for the purpose of paying for materials, freight and drayage on materials, rental or purchase of equipment, personal services for weed ~~prevention,~~ control~~,--and--eradication~~ purposes, and any other incidental charges that may be necessary for the promotion of weed control work within the county.

(3) Reimbursements or repayments to the noxious weed fund resulting from the sale of materials or services shall be available for expenditure at any time.

SECTION 15. That Section 22-2455, Idaho Code, be, and the same is hereby amended to read as follows:

22-2455. WEED CONTROL ADVISORY COMMITTEES. (1) When there is not an established county-wide weed district, t~~T~~he board of county commissioners in each county may appoint a county weed control advisory committee, consisting of not less than five (5) members, who shall be persons knowledgeable of and concerned about the damage done by noxious weeds.

It shall be the duty and responsibility of each county weed control advisory committee to assist the board of county commissioners and the weed control superintendent in carrying out the planning and implementation of noxious weed ~~prevention,~~ control~~,-and-eradication~~ programs, to act as liaison to other county weed control advisory committees, and to provide a forum for public input on matters relating to the ~~prevention,~~ control~~,-and-eradication~~ of noxious weeds.

The members of the county advisory committee shall be appointed for terms of four (4) years, which shall expire on the second Monday of January following each gubernatorial election, and appointments to fill vacancies shall be for the unexpired term.

Members of the county advisory committee may be reimbursed for actual and necessary expenses when on committee business. All expense payments shall be made from the noxious weed fund.

SECTION 16. That Section 22-2456, Idaho Code, be, and the same is hereby amended to read as follows:

22-2456. EMERGENCY PROCEDURES FOR ERADICATION OF NOXIOUS WEEDS. (1) Whenever the director finds, upon the advice of ~~the~~ any county weed control ~~advisory--committee~~ authority or the county supervisor, that an emergency situation exists, whether actual or potential, concerning noxious weed infestations anywhere in the state, he may take any appropriate action necessary to ~~prevent,~~ control~~,--eradicate,~~ or quarantine~~,-or-limit-the-spread-of~~ such noxious weed infestation.

(2) ~~Whenever--the--weed--control--superintendent--finds,-upon-the advice-of-the-county-weed-control-advisory-committee,-if-any,-or--with the-approval-of-the-county-control-authority,-that-an-emergency-situa-~~

~~tion--exists,--whether--actual--or--potential,-concerning-noxious-weed infestations-anywhere-in-the--county,--he--may--take--any--appropriate action--necessary-to-prevent,-control,-eradicate,-quarantine,-or-limit the-spread-of-noxious-weed-infestation~~ After serving at least a five (5) day notice to the affected county control authority, landowner, and person in charge of the land, the director may temporarily designate a weed as noxious for a six (6) month period.

SECTION 17. That Section 22-2457, Idaho Code, be, and the same is hereby amended to read as follows:

22-2457. DEFICIENCY WARRANTS FOR EXCESS COSTS OF WEED CONTROL. In the event the actual cost for the ~~prevention,~~ control~~,-or-eradication~~ of noxious weeds in any one (1) year under the provisions of section 22-2456(1), Idaho Code, exceeds the appropriations made for that purpose, the director may authorize the issuance of deficiency warrants for the purposes of defraying such excess costs and when so authorized the state auditor shall, after notice to the state treasurer, draw deficiency warrants against the general account.

SECTION 18. That Chapter 24, 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 22-2461, Idaho Code, and to read as follows:

22-2461. INSPECTION. (1) For the purpose of carrying out the provisions of this chapter the director may enter on any public or private land at reasonable times.

(2) Should the director be denied access to any land where such access was sought for the purposes set forth in this chapter, he may apply to any court of competent jurisdiction for a search warrant authorizing access to such land for said purposes. The court may, upon such application, issue the search warrant for the purposes requested.

SECTION 19. That Section 22-2462, Idaho Code, be, and the same is hereby amended to read as follows:

22-2462. VIOLATIONS ~~--~~ PENALTIES. (1) Any person knowing of the existence of any noxious weeds on lands owned or controlled by him, who fails to control ~~or-eradicate~~ such weeds in accordance with this ~~act~~ chapter ~~and-rules-and-regulations-prescribed-thereunder,~~ and any person who intrudes upon any land under quarantine or who moves or causes to be moved any article covered by this ~~act~~ chapter except as provided or who prevents or threatens to prevent entry upon land as provided in this ~~act~~ chapter, or who interferes with the carrying out of the provisions of this ~~act~~ chapter or who violates any of the provisions of this chapter, shall be guilty of a misdemeanor and shall be subject to a fine not to exceed ~~three-hundred~~ one thousand dollars ($31,000) ~~on--account--of~~ or up to one (1) year in jail or both such fine and imprisonment.

(2) Any control authority, and where such control authority is composed of more than one (1) person, each member of such control

authority, and any weed control superintendent, who shall fail and refuse to perform the duties required of him by this ~~act~~ chapter and rules and regulations thereunder shall be subject to a civil fine not to exceed five hundred dollars ($500) ~~on account of~~ for each violation. The director or a control authority may bring an action to enforce ~~this act~~ the provisions of this chapter, and the penalty provided for under this ~~provision~~ section.

(3) ~~Any person who violates any of the provisions of this act, or the regulations made under this act, shall be guilty of a misdemeanor.~~ A county weed board or advisory committee shall be a political subdivision within the meaning of section 6-902, Idaho Code.

Approved April 6, 1987.

CHAPTER 332
(H.B. No. 322)

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 1988; 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 1988 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, 1987, through June 30, 1988:

FOR:	
General Education Programs	$123,584,000
FROM:	
General Account	$101,674,700
State Endowment Funds	5,447,000
Interagency Billing and Receipts Account	16,462,300
TOTAL	$123,584,000

SECTION 2. 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 1988 only, the provisions of Section 67-3516(1), (3) and (4), Idaho Code, notwithstanding.

SECTION 3. 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 273, Laws of 1986, for the period of July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures.

Approved April 6, 1987.

CHAPTER 333
(H. B. No. 330, As Amended)

AN ACT
APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE HUMAN SERVICES AREA, FOR FISCAL YEAR 1988, 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 Human 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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. OFFICE ON AGING:					
FROM:					
General Account	$113,900	$ 48,100		$1,039,800	$1,201,80
Office on Aging Account	302,900	152,400		3,749,000	4,204,30
TOTAL	$416,800	$200,500		$4,788,800	$5,406,10
II. HUMAN RIGHTS COMMISSION:					
FROM:					
General Account	$139,400	$ 73,200			$212,60
Human Rights Acct	68,400	29,100			97,50
TOTAL	$207,800	$102,300			$310,10
III. COMMISSION FOR THE BLIND:					
FROM:					
General Account	$384,400	$ 54,200	$ 5,000	$ 219,800	$ 663,40
Blind Commission Account	321,700	104,900	13,200	154,800	594,60
Randolph Sheppard Account	21,400	40,200		39,200	100,80
Interagency Billing and Receipts Account		6,900		11,800	18,70
TOTAL	$727,500	$206,200	$18,200	$ 425,600	$1,377,50

Approved April 6, 1987.

CHAPTER 334
(H.B. No. 332)

AN ACT

RELATING TO COMMERCIAL DRIVER TRAINING SCHOOLS; AMENDING SECTION 49-2204, IDAHO CODE, TO PROVIDE THAT POSSESSION OF A VALID IDAHO TEACHING CERTIFICATE SHALL NOT BE A CONDITION FOR ISSUANCE OF A DRIVING INSTRUCTOR'S LICENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 49-2204, Idaho Code, be, and the same is hereby amended to read as follows:

49-2204. INSTRUCTORS -- LICENSE REQUIRED -- CONTENTS OF APPLICATION FOR LICENSE. No person shall act as an instructor on or after July 1, 1965, unless such person applies for and obtains from the state board of education a license in the manner and form prescribed by the state board of education.

The regulations shall state the requirements for an instructor's license, including requirements concerning moral character, physical condition, knowledge of the courses of instruction, motor vehicle laws and safety principles, previous personal and employment records, and such other matters as the state board of education may prescribe for the protection of the public. Provided, however, that the state board of education shall not require the possession of a valid Idaho teaching certificate as a condition for the issuance of an instructor's license.

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

Approved April 6, 1987.

CHAPTER 335
(H.B. No. 341)

AN ACT

RELATING TO THE APPLICATION OF SALES TAX TO CERTAIN FOOD PURCHASES; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622EE, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SALES TAXES FOR FOOD PURCHASES MADE FOR THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN; 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 63-3622EE, Idaho Code, and to read as follows:

63-3622EE. PURCHASES FOR THE FEDERAL SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC). Commencing October 1, 1987, purchases of food pursuant to section 17 of the federal child nutrition act of 1966 and the school lunch and child nutrition amendment of 1986 are exempt from the taxes imposed by chapter 36, title 63, Idaho Code, and are exempt from the taxes that may be imposed on such purchases under the provisions of sections 50-1043 through 50-1049, Idaho Code.

SECTION 2. This act shall be in full force and effect on and after October 1, 1987.

Approved April 6, 1987.

CHAPTER 336
(H.B. No. 342)

AN ACT

RELATING TO THE APPLICATION OF SALES TAX TO CERTAIN FOOD PURCHASES; AMENDING CHAPTER 36, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3622FF, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SALES TAXES FOR FOOD PURCHASES MADE WITH FOOD STAMPS; APPROPRIATING SALES TAX REVENUES TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PROGRAMS TO REIMBURSE RECIPIENTS OF FOOD STAMPS FOR SALES TAXES PAID ON FOOD PURCHASES MADE WITH FOOD STAMPS; AND TO PROVIDE FOR IMPLEMENTATION OF THE EXEMPTION.

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 63-3622FF, Idaho Code, and to read as follows:

63-3622FF. PURCHASES MADE WITH FEDERAL FOOD STAMPS. Commencing October 1, 1987, purchases of food made with coupons issued under the federal food stamp act of 1977 and the food security act of 1985 are exempt from the taxes imposed by chapter 36, title 63, Idaho Code, and are exempt from the taxes that may be imposed on such purchases under the provisions of sections 50-1043 through 50-1049, Idaho Code.

SECTION 2. There is hereby appropriated to the Department of Health and Welfare the sum of $2,000,000, or so much thereof as may be necessary, from the moneys collected by the Tax Commission from the state sales and use tax, and which appropriation shall be deducted from gross sales and use tax revenues before calculations for payments under the provisions of subsections (e) and (g) of section 63-3638,

Idaho Code, are made.

The appropriation made by this section shall be used by the Department of Health and Welfare to administer a program or programs to reimburse recipients of foods stamps for state and local sales taxes paid on food purchases made with food stamps. It is declared as state policy that this reimbursement is for the single purpose of complying with federal policy as expressed in Section 1505 of the Food Security Act of 1985 (P.L. 99-198), as such section existed on January 1, 1987, and is not intended to change or disrupt any other condition of eligibility of recipients.

SECTION 3. (1) Section 1 of this act shall be in full force and effect on and after October 1, 1987, if, and only if, the Attorney General certifies to the State Tax Commission that the provisions of Section 1505 of the Food Security Act of 1985 (P.L. 99-198), requiring that a state not participate in the food stamp program if the Secretary of Agriculture of the United States determines that state or local sales taxes are collected within that state on purchases of food made with coupons, are still valid and binding.

The Attorney General's certification required by this subsection must be made in time to allow for implementation on October 1, 1987. If this certification is made, then Section 2 of this act shall be null void, and of no effect, and Section 1 shall be fully effective.

(2) Section 2 of this act shall be in full force and effect on and after October 1, 1987, if, and only if, the Attorney General certifies to the State Tax Commission and to the Department of Health and Welfare that the Secretary of Agriculture of the United States has approved such program or programs for reimbursement to food stamp recipients as indicated in Section 2.

The Attorney General's certification required by this subsection must be made in time to allow for implementation on October 1, 1987. If this certification is made, then Section 1 of this act shall be null and void, and of no effect, and Section 2 shall be fully effective.

Approved April 6, 1987.

CHAPTER 337
(H.B. No. 359)

AN ACT

RELATING TO INCOME TAX REFUNDS; AMENDING SECTION 63-3067, IDAHO CODE, TO PROVIDE PROPER CODE REFERENCES; REPEALING SECTIONS 63-3067A, 63-3067B, 63-3067C, 63-3067D, IDAHO CODE, AND SECTION 63-3067E, IDAHO CODE, AS ENACTED BY CHAPTER 6, LAWS OF 1987; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3067A, IDAHO CODE, TO ALLOW INDIVIDUALS TO DONATE TO CERTAIN SPECIFIED ACCOUNTS; AMENDING SECTION 39-6007, IDAHO CODE, TO PROVIDE FOR A LIMIT ON THE AMOUNT OF MONEY THAT MAY BE COLLECTED FOR THE CHILDREN'S TRUST ACCOUNT, AND TO PROVIDE PROPER REFERENCES; AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW

SECTION 57-816, IDAHO CODE, TO CREATE THE DRUG ENFORCEMENT DONATION ACCOUNT; AND AMENDING CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-817, IDAHO CODE, TO CREATE THE UNITED STATES OLYMPIC ACCOUNT.

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

SECTION 1. That Section 63-3067, Idaho Code, be, and the same is hereby amended to read as follows:

63-3067. REVENUE RECEIVED -- STATE REFUND ACCOUNT. All moneys, except as hereinafter provided, received by the state of Idaho under this act shall be deposited by the state tax commission, as received by it, with the state treasurer and shall be placed in and become a part of the general account under the custody of the state treasurer. Providing however, that an amount equal to twenty per cent (20%) of the amount deposited with the state treasurer shall be placed in the "state refund account" which is hereby created for the purpose of repaying overpayments, for the purpose of depositing in the ~~fish--and game~~ trust accounts specified in section 63-3067A, Idaho Code, 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. 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 appropriated out of the state refund account so much thereof as may be necessary for the payment of the refunds herein provided. Claims for, and payment of refunds under the provisions of this section shall be made in the same manner as other claims against the state of Idaho.

Any unencumbered balance remaining in the state refund account on June 30 of each and every year in excess of the sum of four hundred thousand dollars ($400,000) shall be transferred to the general account and the state auditor is hereby authorized and directed on such dates to make such transfers unless the board of examiners, which is hereby authorized to do so, changes the date of transfer or sum to be transferred.

SECTION 2. That Sections 63-3067A, 63-3067B, 63-3067C, 63-3067D, Idaho Code, and Section 63-3067E, Idaho Code, as enacted by Chapter 6, Laws of 1987, be, and the same are 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 63-3067A, Idaho Code, and to read as follows:

63-3067A. DESIGNATION BY INDIVIDUALS -- TRUST ACCOUNTS. (a) Every individual who:

(i) Has a refund due and payable for overpayment of taxes under this act may designate all or any portion thereof to be deposited in a trust account specified in subsection (c) below; or

(ii) Has an income tax liability may, in addition to his tax obligation, include a donation to be deposited in a trust account specified in subsection (c) of this section.

(b) A designation under subsection (a) of this section may be made in any taxable year in such manner and form as 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.

(c) The trust accounts authorized to receive moneys designated under subsection (a) of this section are:

(i) The fish and game trust account created by section 36-107, Idaho Code;

(ii) The Idaho ag in the classroom account created by section 57-815, Idaho Code;

(iii) The drug enforcement donation account created by section 57-816, Idaho Code;

(iv) The children's trust account created by section 39-6007, Idaho Code; and

(v) The United States olympic account created by section 57-817, Idaho Code, but no donation shall exceed five dollars ($5.00).

(d) Prior to the distribution of funds into any of the trust accounts specified in subsection (c) of this section from the refund account, the state tax commission shall retain funds for the commission's costs for collecting and administering the moneys in the accounts as follows: three thousand dollars ($3,000) from each account for start-up costs during the first year of collections, three thousand dollars ($3,000) from each account during each fiscal year, which amounts are hereby appropriated to the tax commission.

SECTION 4. That Section 39-6007, Idaho Code, be, and the same is hereby amended to read as follows:

39-6007. CHILDREN'S TRUST ACCOUNT -- CREATION. (1) There is hereby created an account in the agency asset fund in the state treasury to be designated the children's trust account.

(2) The account shall consist of:

(a) Moneys appropriated to the account;

(b) Moneys as provided in section 63-3067~~B~~A, 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 expended for purposes provided

in this chapter, provided that the children's trust account advisory board is authorized to expend up to fifty percent (50%) of the moneys generated annually pursuant to section 63-3067~~B~~A, Idaho Code. Interest earned on the investment of idle money in the children's trust account shall be returned to the children's trust account.

(4) Disbursements of moneys from the account shall be on the authorization of the children's trust account board or a duly authorized representative of the board.

(5) After a total of two million five hundred thousand dollars ($2,500,000) has been distributed to the children's trust account, the account shall be abolished, and no further collections shall be received by the tax commission, and all references to the account shall be deleted from income tax forms.

SECTION 5. 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 57-816, Idaho Code, and to read as follows:

57-816. DRUG ENFORCEMENT DONATION ACCOUNT. There is hereby created in the state operating fund the drug enforcement donation account. Moneys in the account may be appropriated only for programs designed to control or eliminate illicit drug traffic, and for law enforcement functions associated with such control.

SECTION 6. 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 57-817, Idaho Code, and to read as follows:

57-817. UNITED STATES OLYMPIC ACCOUNT. (1) There is hereby created in the dedicated fund the United States olympic account. Moneys in the account are continuously appropriated to the United States olympic committee, which is a congressionally chartered corporation under public law 95-606--36 USC 371 et seq. Moneys in the account must be paid at least annually to the United States olympic committee.

Approved April 6, 1987.

CHAPTER 338
(H.B. No. 363)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF LAW ENFORCEMENT FOR FISCAL YEAR 1988 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 from the listed accounts for the period July 1, 1987, through June 30, 1988:

FROM:	
General Account	$ 6,498,800
Idaho Law Enforcement Telecommunications Account	227,200
Federal Justice Assistance Account	1,650,900
Idaho Law Enforcement Account	7,750,700
Idaho State Horse Racing Commission Account	251,100
State Brand Board Account	1,298,700
Small Track Fund Account	60,000
Breeder Fund Account	60,000
Interagency Billing and Receipts Account	63,500
Peace Officers Account	676,400
Federal Motor Carrier Safety Account	750,400
Federal Highway Safety Account	412,700
Domestic Violence Account	252,100
TOTAL	$19,952,500

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
I. CENTRAL ADMINISTRATION:					
FROM:					
General Account	$ 873,600	$ 306,400			$ 1,180,000
II. POLICE SERVICES:					
FROM:					
General Account	$ 2,275,500	$1,265,300	$ 512,900		$ 4,053,700
Idaho Law Enforcement Telecommunications Account		197,200	30,000		227,200
Federal Justice Assistance Account	447,700	148,500	110,400	$ 618,000	1,324,600
Interagency Billing and Receipts Account		57,500			57,500
TOTAL	$ 2,723,200	$1,668,500	$ 653,300	$ 618,000	$ 5,663,000
III. IDAHO STATE POLICE:					
FROM:					
General Account	$ 622,900	$ 5,400			$ 628,300
Idaho Law Enforcement Account	5,044,700	1,899,300	$ 806,700		7,750,700
Federal Motor Carrier Safety Account	584,000	166,400			750,400
Federal Highway Safety Account	364,300	27,200			391,500
TOTAL	$ 6,615,900	$2,098,300	$ 806,700		$ 9,520,900

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
IV. BRAND INSPECTION:					
FROM:					
State Brand Board Account	$ 1,099,900	$ 170,800	$ 28,000		$ 1,298,700
V. HORSE RACING COMMISSION:					
FROM:					
Idaho State Horse Racing Commission Account	$ 143,300	$ 107,300	$ 500		$ 251,100
Small Track Fund Account				$ 60,000	60,000
Breeder Fund Account				60,000	60,000
TOTAL	$ 143,300	$ 107,300	$ 500	$ 120,000	$ 371,100
VI. ALCOHOL BEVERAGE CONTROL:					
FROM:					
General Account	$ 431,300	$ 124,400	$ 9,500		$ 565,200
Interagency Billing and Receipts Account	5,000	1,000			6,000
TOTAL	$ 436,300	$ 125,400	$ 9,500		$ 571,200
VII. POST ACADEMY:					
FROM:					
Peace Officers Account	$ 253,400	$ 345,600	$ 17,600	$ 59,800	$ 676,400
VIII. COMMISSION ON ALCOHOL AWARENESS:					
FROM:					
General Account	$ 37,900	$ 33,700			$ 71,600
Federal Highway Safety Account		21,200			21,200
TOTAL	$ 37,900	$ 54,900			$ 92,800
IX. DOMESTIC VIOLENCE COUNCIL:					
FROM:					
Domestic Violence Account	$ 83,500	$ 33,600		$ 135,000	$ 252,100
Federal Justice Assistance Account	16,000	11,800		298,500	326,300
TOTAL	$ 99,500	$ 45,400		$ 433,500	$ 578,400
GRAND TOTAL	$12,283,000	$4,922,600	$1,515,600	$1,231,300	$19,952,500

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 226, Laws of 1986, to be used for nonrecurring expenditures only, for fiscal year 1988.

Approved April 6, 1987.

CHAPTER 339
(H.B. No. 365)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR FISCAL YEAR 1988 AND DESIGNATING PROGRAM LIMITS; PROVIDING THAT THE STATE AUDITOR SHALL MAKE TRANSFERS FROM THE GENERAL ACCOUNT; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO THE APPROPRIATION FOR THE WATER QUALITY AND HAZARDOUS MATERIALS PROGRAM; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO AUTHORIZED OR MANDATED SERVICES; AMENDING SECTION 57-1702, IDAHO CODE, TO PROVIDE A PROPER CODE REFERENCE AND TO PROVIDE FOR ADMINISTRATION BY THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND WELFARE; REAPPROPRIATING CERTAIN UNEXPENDED AND UNENCUMBERED BALANCES TO THE DEPARTMENT OF HEALTH AND WELFARE OF APPROPRIATED MONEYS; AND EXEMPTING CERTAIN PERSONNEL FROM THE PROVISIONS OF CHAPTER 53, TITLE 67, IDAHO CODE.

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, 1987, through June 30, 1988:

FROM:

General Account	$ 79,293,700
Cooperative Welfare Account	160,652,100
Alcoholism Treatment Account	2,159,000
Cancer Control Account	375,000
Central Tumor Registry Account	100,000
Emergency Medical Services Account	745,600
Emergency Medical Services Account II	386,000
Medical Assistance Account	18,500
Liquor Account	650,000
Water Pollution Control Account	10,149,000
Idaho Veterans Home Income Account	216,400
State Hospital North Income Account	346,200
State Hospital South Income Account	729,400
Hazardous Waste Monitoring Account	492,800
State Agricultural Smoke Management Account	8,000
State Youth Training Center Income Account	346,200
County Medical Indigency Suspense Account	2,657,700
TOTAL	$259,325,600

SECTION 2. There is hereby appropriated to the Department of Health and Welfare, the following amounts, to be expended for the designated programs according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. PHYSICAL HEALTH SERVICES:					
FROM:					
General Account	$ 846,200	$ 806,300	$ 1,700	$ 614,600	$ 2,268,800
Cooperative Welfare Account	1,543,300	1,217,700	12,400	11,902,000	14,675,400
Cancer Control Account		375,000			375,000
Central Tumor Registry Account				100,000	100,000
TOTAL	$ 2,389,500	$2,399,000	$ 14,100	$12,616,600	$ 17,419,200
B. EMERGENCY MEDICAL SERVICES:					
FROM:					
Emergency Medical Services Account	$ 191,300	$ 280,900	$ 53,800	$ 219,600	$ 745,600
Emergency Medical Service Account II	274,200	90,500	16,400	4,900	386,000
Cooperative Welfare Account		167,000		23,000	190,000
TOTAL	$ 465,500	$ 538,400	$ 70,200	$ 247,500	$ 1,321,600
C. LABORATORY SERVICES:					
FROM:					
General Account	$ 1,102,200	$ 436,000	$ 68,600	$ 102,400	$ 1,709,200
Cooperative Welfare Account	544,800	108,200	40,400	170,000	863,400
Hazardous Waste Monitoring Account	49,200	38,800	60,000		148,000
TOTAL	$ 1,696,200	$ 583,000	$ 169,000	$ 272,400	$ 2,720,600
D. SUBSTANCE ABUSE SERVICES:					
FROM:					
Alcoholism Treatment Account	$ 155,600	$ 84,900	$ 1,000	$ 1,601,200	$ 1,842,700
Cooperative Welfare Account	43,200	110,800		564,200	718,200
SUBTOTAL	$ 198,800	$ 195,700	$ 1,000	$ 2,165,400	$ 2,560,900
Cooperative Welfare Account					60,000
TOTAL					$ 2,620,900
E. ELIGIBILITY SERVICES:					
FROM:					
General Account	$ 4,346,400	$1,297,500	$ 6,900		$ 5,650,800
Cooperative Welfare Account	4,101,400	1,829,300	139,400		6,070,100
TOTAL	$ 8,447,800	$3,126,800	$ 146,300		$ 11,720,900
F. MEDICAL ASSISTANCE PAYMENTS:					
FROM:					

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
General Account	$ 284,500	$ 404,500		$25,414,100	$ 26,103,100
Medical Assistance Account				15,000	15,000
Liquor Account				650,000	650,000
Cooperative Welfare Account	643,400	848,200	7,500	58,918,400	60,417,500
SUBTOTAL	$ 927,900	$1,252,700	$ 7,500	$84,997,500	$ 87,185,600
County Medical Indigency Suspense Account					2,657,700
Cooperative Welfare Account					6,342,300
TOTAL					$ 96,185,600
G. ADULT AND A.D.C. ASSISTANCE PAYMENTS:					
FROM:					
General Account		$ 92,400		$ 9,753,200	$ 9,845,600
Cooperative Welfare Account	$ 2,025,700	1,118,200	$ 148,600	24,263,700	27,556,200
TOTAL	$ 2,025,700	$1,210,600	$ 148,600	$34,016,900	$ 37,401,800
H. SOCIAL SERVICES:					
FROM:					
General Account	$ 2,029,600	$ 469,300	$ 5,300	$ 1,652,000	$ 4,156,200
Cooperative Welfare Account	8,022,300	1,608,200	218,400	9,728,800	19,577,700
TOTAL	$10,051,900	$2,077,500	$ 223,700	$11,380,800	$ 23,733,900
I. AIR QUALITY:					
FROM:					
General Account	$ 175,400	$ 50,900	$ 10,700	$ 300	$ 237,300
Cooperative Welfare Account	383,600	118,200	10,900	15,600	528,300
State Agricultural Smoke Management Account		8,000			8,000
SUBTOTAL	$ 559,000	$ 177,100	$ 21,600	$ 15,900	$ 773,600
General Account					100,000
TOTAL					$ 873,600
J. WATER QUALITY AND HAZARDOUS MATERIALS:					
FROM:					
Cooperative Welfare Account	$ 1,231,000	$ 713,200	$ 81,200	$ 126,600	$ 2,152,000
Water Pollution Control Account	1,623,000	632,900	57,400	7,835,700	10,149,000
Hazardous Waste Monitoring Account	236,500	70,100	5,000	33,200	344,800
TOTAL	$ 3,090,500	$1,416,200	$ 143,600	$ 7,995,500	$ 12,645,800
K. VETERANS SERVICES:					

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
FROM:					
General Account	$ 252,500	$ 160,200	$ 21,200	$ 61,200	$ 495,100
Cooperative Welfare Account	1,576,100	362,700	56,600		1,995,400
Idaho Veterans Home Income Account		216,400			216,400
TOTAL	$ 1,828,600	$ 739,300	$ 77,800	$ 61,200	$ 2,706,900
L. INDIRECT SUPPORT SERVICES:					
FROM:					
General Account	$ 2,048,600	$1,545,400	$ 24,800		$ 3,618,800
Cooperative Welfare Account	1,812,600	846,500	31,800		2,690,900
TOTAL	$ 3,861,200	$2,391,900	$ 56,600		$ 6,309,700
M. COMMUNITY MENTAL HEALTH SERVICES:					
FROM:					
General Account	$ 3,499,300	$ 533,200		$ 516,500	$ 4,549,000
Cooperative Welfare Account	1,200,400	878,800	$ 5,000	184,300	2,268,500
TOTAL	$ 4,699,700	$1,412,000	$ 5,000	$ 700,800	$ 6,817,500
N. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL NORTH:					
FROM:					
General Account	$ 1,620,900	$ 21,300	$ 36,500	$ 1,000	$ 1,679,700
Cooperative Welfare Account	196,800	280,300		48,500	525,600
Alcoholism Treatment Account	316,300				316,300
State Hospital North Income Account		346,200			346,200
TOTAL	$ 2,134,000	$ 647,800	$ 36,500	$ 49,500	$ 2,867,800
O. INSTITUTIONAL MENTAL HEALTH SERVICES/STATE HOSPITAL SOUTH:					
FROM:					
General Account	$ 5,141,900	$ 486,900		$ 50,500	$ 5,679,300
Cooperative Welfare Account	1,016,800	70,000			1,086,800
State Hospital South Income Account		592,600	$ 136,800		729,400
TOTAL	$ 6,158,700	$1,149,500	$ 136,800	$ 50,500	$ 7,495,500
P. COMMUNITY DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
General Account	$ 3,372,400	$1,154,900	$ 45,600	$ 823,300	$ 5,396,200
Cooperative Welfare Account	1,448,700	383,400		1,497,300	3,329,400
TOTAL	$ 4,821,100	$1,538,300	$ 45,600	$ 2,320,600	$ 8,725,600

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
Q. INSTITUTIONAL DEVELOPMENTAL DISABILITY SERVICES:					
FROM:					
General Account					$ 4,358,400
Medical Assistance Account					3,500
Cooperative Welfare Account					$ 9,305,400
TOTAL					$ 13,667,300
R. STATE YOUTH SERVICES CENTER:					
FROM:					
General Account	$ 3,056,600	$ 254,400	$ 28,900	$ 106,300	$ 3,446,200
Cooperative Welfare Account	136,800	152,200	10,000		299,000
State Youth Training Center Income Account		346,200			346,200
TOTAL	$ 3,193,400	$ 752,800	$ 38,900	$ 106,300	$ 4,091,400
GRAND TOTAL					$259,325,600

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 the appropriation for the Water Quality and Hazardous Materials Program specifically supersede the provisions of Section 39-3606, Idaho Code.

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. That Section 57-1702, Idaho Code, be, and the same is hereby amended to read as follows:

57-1702. CANCER CONTROL ACCOUNT. There shall be established in the dedicated fund in the state treasury the cancer control account, to which shall be credited the revenues derived from the tax distributed by subsection (b)(3) of section 63-2520, Idaho Code. All moneys now or hereafter in the cancer control account, to the extent appropriated, are hereby dedicated for the purpose of contracting for and obtaining the services to promote cancer control for the citizens of Idaho, through research, education, screening and treatment. The ~~state board~~ director of the department of health and welfare is

charged with the administration of moneys appropriated from the account unless otherwise provided by law.

SECTION 7. 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 229, Laws of 1986 to be used for nonrecurring expenditures only, for the period July 1, 1987, through June 30, 1988.

SECTION 8. Employees of the State Emergency Response Commission, as authorized by the appropriation contained in Section 2 of this act for the Air Quality Program, shall be exempt from the provisions of Chapter 53, Title 67, Idaho Code.

Approved April 6, 1987.

CHAPTER 340
(H.B. No. 370)

AN ACT

RELATING TO THE TAX ON INSURANCE PREMIUMS; AMENDING SECTION 41-402, IDAHO CODE, TO INCREASE THE RATE OF THE PREMIUM TAX AND TO CLARIFY THE REQUIREMENTS FOR PREPAYMENT OF SUCH TAXES; AMENDING CHAPTER 4, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-402A, IDAHO CODE, TO PROVIDE A PROCEDURE FOR CLAIMING AND PAYING REFUNDS; AMENDING SECTION 41-403, IDAHO CODE, TO ADJUST THE REQUIREMENTS NECESSARY TO QUALIFY TO RECEIVE A REDUCED PREMIUM TAX RATE; AMENDING CHAPTER 4, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-403A, IDAHO CODE, TO PROVIDE FOR A NOTICE OF INTENT TO CLAIM A REDUCED PREMIUM TAX RATE AND AN ESTIMATE OF TAXABLE PREMIUMS; AMENDING SECTION 41-406, IDAHO CODE, TO ESTABLISH A REFUND ACCOUNT FOR THE PAYMENT OF INSURANCE PREMIUM TAX REFUNDS; IMPOSING A SURCHARGE TAX UPON INSURERS REQUIRED TO PAY PREMIUM TAXES; DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE INSURANCE PREMIUM TAX; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION.

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

SECTION 1. That Section 41-402, Idaho Code, be, and the same is hereby amended to read as follows:

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

in subsection (2) of this section, on the following amounts:

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

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

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

(a) As to title insurance the rate of tax shall be one and one-tenth per cent (1.1%).

(b) As to all other kinds of insurance, the rate of tax shall be three and three-tenths per cent (3.3%).

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

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

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

(i) On or before June 15, ~~forty-five-percent~~ sixty per cent (~~45~~60%);

(ii) On or before September 15, twenty-~~five-percent~~ per cent (250%); and

(iii) On or before December 15, ~~twenty-five-percent~~ fifteen per cent (~~2~~15%).

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

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

(6) This section shall not apply as to any domestic reciprocal insurer doing exclusively a workmen's compensation business and complying with the provisions of the workmen's compensation law of this state and writing workmen's compensation only for members under

that law, if its representatives or agents or the attorney in fact executing such contracts are not compensated on a commission basis.

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

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

(9) The amount of tax due for the current year shall be paid in full in the manner and at the times required in this section without any credit or offset for refunds or other amounts due or claimed to be due by the insurer.

SECTION 2. That Chapter 4, 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 41-402A, Idaho Code, and to read as follows:

41-402A. REFUNDS. Where there has been an overpayment of any taxes, fines or penalties due under this chapter, the director is authorized to refund all such taxes, fines or penalties erroneously or illegally collected or paid. No such refund shall be paid after one (1) year from the due date of the statement required in section 41-402(4), Idaho Code, unless before the expiration of such period a written claim is filed therefore by the insurer on such forms and in such manner as is prescribed by the director.

SECTION 3. That Section 41-403, Idaho Code, be, and the same is hereby amended to read as follows:

41-403. REDUCED TAX BASED ON IDAHO INVESTMENTS. Provided that it shall comply with rules and standards duly promulgated by the director of insurance for the purposes of assuring the establishment and maintenance in this state of services and facilities consistent with the nature and extent of its operations, and provided the conditions of section 41-403A, Idaho Code, are met, any insurer, other than a life insurance company, having at all times throughout the year with respect to which the tax is payable twenty-five per cent (25%) or more of its assets, or seventy-five per cent (75%) of the amount of gross direct premiums written on policies covering subject of insurance resident, located or performed in this state invested in the investments set forth below, shall, with respect to premiums on which taxes are to be computed under section 41-402, Idaho Code, compute and pay such tax at the rate of one and one-tenth per cent (1.1%) instead of at any higher rate provided for under such section 41-402, Idaho Code; and provided further, any life insurance company, in order to qualify for a tax rate of one and one-tenth per cent (1.1%) instead of any higher rate provided for under section 41-402, Idaho Code, shall maintain throughout the year with respect to which tax is payable at least seventy-five per cent (75%) of the reserve required under section

41-706 (4), Idaho Code, on direct risks resident in this state, invested in the designated investments set forth below:

(1) Bonds or warrants of this state, or of any county, city or incorporated town or district within this state authorized by law to be issued, or

(2) Taxable real estate within this state, or

(3) First mortgages upon improved, unencumbered real estate situated within this state, or

(4) Stocks or bonds of corporations organized under the laws of, or maintaining their home office and principal administrative records in this state, if such stocks or bonds are lawful investments of the insurer under chapter 7 (investments) of this code, or

(5) Bonds authorized by law to be issued against the revenues derived from the operation in this state of domestic water and sewage systems or off-street parking facilities. ~~The--provisions--of--section 41-340,--Idaho-Code,-to-the-extent-of-the-premium-tax-burden,-shall-not apply--to-any-insurer-qualifying-for-and-paying-a-reduced-rate-of-premium-tax-under-this-section.~~

SECTION 4. That Chapter 4, 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 41-403A, Idaho Code, and to read as follows:

41-403A. NOTICE OF INTENT TO CLAIM REDUCED PREMIUM TAX RATE. Any insurer seeking a reduction of premium tax based upon investments pursuant to section 41-403, Idaho Code, shall notify the director of the department of insurance of such intention on or before November 1 of the calendar year for which the tax applies. Such notice shall be given in the manner prescribed by the director, and shall include a good faith estimate of the premiums on which taxes for the calendar year will be computed under sections 41-402 and 41-403, Idaho Code. Any insurer failing to provide the notice required herein shall not be entitled to claim a reduced premium tax rate for the calendar year for which the tax applies.

SECTION 5. That Section 41-406, Idaho Code, be, and the same is hereby amended to read as follows:

41-406. DEPOSIT AND REPORT OF FEES, LICENSES AND TAXES. (1) The director shall transmit all taxes, fines and penalties collected by him to the state treasurer as provided under section 59-1014, Idaho Code. The director shall file with the state auditor a statement of each deposit thus made. All such funds received shall be deposited into the department of insurance suspense account. ~~After-any-refunds due-insurance-companies-or-other-persons-have-been-made,--s~~Such funds shall be distributed as follows:

(a) Ten percent (10%) shall be deposited in the insurance refund account which is hereby created for the purpose of repaying overpayments of any taxes, fines, and penalties or other erroneous receipts. There is hereby appropriated out of the insurance refund account so much thereof as shall be necessary for the payment of

refunds. Any unencumbered balance remaining in the insurance refund account on June 30 of each and every year in excess of forty thousand dollars ($40,000) 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.

(b) That portion of the premium tax payable to the public employee retirement account as provided in section 59-1357, Idaho Code, shall be transferred to that account.

(~~b~~c) The balance of the premium tax, fines and penalties shall be transferred to the general account of the state of Idaho.

(~~c~~d) All moneys received for fees, licenses and miscellaneous charges collected shall be transferred to the insurance administrative account.

(2) The director shall make and file with the state auditor an itemized statement of the fees, licenses, taxes, fines and penalties collected by him during the preceding month, and shall deliver a certified copy of the statement to the state treasurer.

SECTION 6. There is hereby imposed a surcharge tax upon all insurers required to pay premium taxes pursuant to sections 41-402 or 41-403, Idaho Code. Such tax shall be in an amount equal to eleven percent (11%) of the tax due for the calendar year 1987. Every insurer shall make a prepayment of the estimated surcharge tax based upon the preceding calendar year's business and the current year's rate, and shall pay such amount to the director on or before June 15, 1987. On or before March 1, 1988, any balance of surcharge tax due shall be paid to the director. Any overpayment of surcharge tax shall be refunded pursuant to section 41-402A, Idaho Code.

SECTION 7. The Legislative Council is directed to appoint a committee to undertake and complete a study of the rate structure of the insurance premium tax and its real or potential relationship to the economic growth of the state. The study shall also consider the role that the insurance premium tax plays as a source of general account revenue. The committee shall recommend any changes which should be made to allow premium tax rates to reflect economic development incentives without causing a reduction in general account revenues.

SECTION 8. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1987.

Approved April 6, 1987.

CHAPTER 341
(H.B. No. 374)

AN ACT

APPROPRIATING MONEYS TO THE LIEUTENANT GOVERNOR FOR FISCAL YEAR 1988; EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO CERTAIN EXPENDITURES; AND EXPRESSING LEGISLATIVE INTENT WITH RESPECT TO THE DEPARTMENT OF COMMERCE.

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

SECTION 1. There is hereby appropriated to the Lieutenant Governor the following amounts, to be expended according to designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

FOR:	
Personnel Costs	$55,500
Operating Expenditures	13,700
TOTAL	$69,200
FROM:	
General Account	$69,200

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.

SECTION 3. It is legislative intent that the Department of Commerce may authorize and pay for Lieutenant Governor travel as it relates to economic development for Fiscal Year 1988.

Approved April 6, 1987.

CHAPTER 342
(H.B. No. 378)

AN ACT

RELATING TO INCOME TAX; AMENDING SECTION 63-3024, IDAHO CODE, TO ADJUST THE RATES AND BRACKETS FOR THE INCOME TAX ON INDIVIDUALS, ESTATES AND TRUSTS; AMENDING SECTION 63-3025, IDAHO CODE, TO ADJUST THE CORPORATE INCOME TAX RATES; AMENDING SECTION 63-3025A, IDAHO CODE, TO ADJUST CORPORATE FRANCHISE TAX RATES; AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3036A, IDAHO CODE, TO PROVIDE THAT ANY CORPORATION SUBJECT TO TAX UNDER CHAPTER 30, TITLE 63, IDAHO CODE, SHALL PAY ESTIMATED

TAXES TO THE STATE OF IDAHO, TO PROVIDE FOR REPORTING PERIODS, TO PROVIDE FOR REDETERMINATION OF ESTIMATED TAX, TO PROVIDE THAT PAYMENT OF ESTIMATED TAX SHALL BE CONSIDERED AS PART PAYMENT OF TOTAL TAX DUE, TO PROVIDE THAT PAYMENT OF ESTIMATED TAX DOES NOT RELIEVE ANY OTHER OBLIGATION FOR TAXES UNDER CHAPTER 30, TITLE 63, IDAHO CODE, AND TO PROVIDE FOR REDUCED PAYMENTS FOR A TIME CERTAIN; AND AMENDING CHAPTER 30, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-3046A, IDAHO CODE, TO PROVIDE FOR THE PAYMENT OF INTEREST ON UNDERPAYMENTS OF ESTIMATED TAX; APPROPRIATING MONEYS TO THE STATE TAX COMMISSION FOR FISCAL YEAR 1988; DECLARING AN EMERGENCY AND PROVIDING FOR RETROACTIVE APPLICATION FOR SECTIONS 1, 2 AND 3, AND PROVIDING AN EFFECTIVE DATE AND A SCHEDULE OF EFFECT FOR SECTIONS 4, 5 AND 6.

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

SECTION 1. 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, 19~~8~~76, 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 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;~~

When the taxable income is:	The rate is:
Less than $1,000	Two percent (2.0%)
$1,000 but less than $2,000	$20, plus four percent (4.0%) of the amount over $1,000
$2,000 but less than $3,000	$60, plus four and one-half percent (4.5%) of the amount over $2,000
$3,000 but less than $4,000	$105, plus five and one-half percent (5.5%) of the amount over $3,000
$4,000 but less than $5,000	$160, plus six and one-half percent (6.5%) of the amount over $4,000
$5,000 but less than $7,500	$225, plus seven and one-half percent (7.5%) of the amount over $5,000

$7,500 but less than $20,000	$412.50, plus seven and eight-tenths percent (7.8%) of the amount over $7,500
Over $20,000	$1,387.50, plus eight and two-tenths percent (8.2%) of the amount over $20,000

(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~~a) of the Internal Revenue Code, and a head of household, as defined in section ~~1~~2(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 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 fifty thousand dollars ($50,000), rounding such calculations to the nearest dollar. Taxpayers having 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 2. That Section 63-3025, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025. TAX ON CORPORATE INCOME. For taxable years commencing on and after January 1, 198~~3~~7, a tax is hereby imposed on the taxable income derived from sources within this state by a corporation which transacts or is authorized to transact business in this state or which has income attributable to this state. The tax shall be equal to ~~seven and--seven-tenths~~ eight percent (~~7.~~78%) of all taxable income; provided, however, that the tax shall not be less than twenty dollars ($20.00); provided further that the twenty dollar ($20.00) minimum payment shall not be collected from nonproductive mining corporations. The tax imposed by this section shall not apply to corporations taxed pursuant to the provisions of section 63-3025A, Idaho Code.

SECTION 3. That Section 63-3025A, Idaho Code, be, and the same is hereby amended to read as follows:

63-3025A. FRANCHISE TAX. For taxable years commencing on and after January 1, 198~~3~~7, a franchise tax shall be imposed upon any corporation for the privilege of exercising its corporate franchise within the state during such taxable year, including but not limited to, corporations engaged in business in Idaho for the exclusive purpose of performing contracts with the United States department of energy at the Idaho national engineering laboratory, which tax shall be measured by taxable income derived from sources within this state

and which tax shall be equal to ~~seven--and--seven-tenths~~ eight percent(~~7.78~~%) of all taxable income; provided, however, that the tax shall not be less than twenty dollars ($20.00); provided further that the twenty dollar ($20.00) minimum payment shall not be collected from nonproductive mining corporations; but the twenty dollar ($20.00) minimum tax shall apply to corporations qualified to file returns and actually filing returns under the provisions of subchapter "S" of Internal Revenue Code.

SECTION 4. 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 63-3036A, Idaho Code, and to read as follows:

63-3036A. PAYMENT OF ESTIMATED TAX. (a) Any corporation subject to this chapter which is required to make a payment of estimated taxes to the Internal Revenue Service shall pay to the state tax commission estimated taxes due under this chapter.

(b) The provisions of the Internal Revenue Code relating to determination of reporting periods and the due dates of payments of estimated tax shall apply to the estimated payments due under this section.

(c) The amount of estimated tax due shall be determined as follows:

(1) Commencing with the calendar quarter that begins July 1, 1987, in the case of any corporation which was required to pay tax under this chapter for its immediately preceding taxable year, the amount of each quarterly payment for its current taxable year shall be twenty-five per cent (25%) of the lesser of:

(i) The tax amount required to be reported on the return for the immediately preceding taxable year; or

(ii) Ninety per cent (90%) of the tax required to be paid with the current year's return.

(2) Any corporation required to make estimated payments under this section and who makes annualized estimated payments under the Internal Revenue Code shall be permitted to annualize its estimated payments under this section in the manner prescribed by regulation of the state tax commission. Such regulations shall, to the extent practicable, follow the provisions of the Internal Revenue Code and the regulations thereunder relating to annualization of estimated payments.

(d) The amounts paid as estimated taxes pursuant to subsection (c) of this section shall be considered to be in part payment of the tax imposed by this chapter on the person reporting such estimated tax. The part payment shall apply to such tax for the tax year during which the reporting period for which the estimate is made occurs. In the event that such part payments, together with all other part payments, estimated payments, withheld taxes or other credits allowable against the taxes imposed by this chapter shall exceed the amount of tax due, the state tax commission shall refund such excess within the time and in the manner prescribed in section 63-3035(e), Idaho Code, relating to refund of taxes withheld by employers.

(e) The provisions of this section shall in no way relieve any person from any obligation to file a return under any provision of this chapter at the time such return may be due. In the event that the estimated payments required under this section, together with any other part payments, estimated payments, withheld taxes or other credits applicable to the same taxable year are less than the amount of taxes imposed by this chapter, the unpaid tax shall be paid at the time prescribed in section 63-3034, Idaho Code.

(f) The payment due for the first full reporting period occurring after the effective date of this act, and the payment due for each of the next three (3) succeeding reporting periods shall be one-half (1/2) of the amount otherwise due under this section.

SECTION 5. 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 63-3046A, Idaho Code, and to read as follows:

63-3046A. INTEREST ON UNDERPAYMENT OF ESTIMATED TAX. (a) In the event that a person required to pay estimated taxes under section 63-3036A, Idaho Code, fails to pay such estimated taxes or fails to pay the full amount of estimated taxes due, the state tax commission shall assess interest on such unpaid or underpaid estimated taxes at the rate of interest set in section 63-3045, Idaho Code, as the interest to be assessed on a deficiency in taxes.

(b) Interest shall be computed on the difference between the amount of estimated payment required to be made on each quarterly report and the amount of quarterly payment actually made. Interest shall apply from the due date of the quarterly report until the required amount is paid, or until, excluding extensions, the due date of the return, whichever is first.

SECTION 6. There is hereby appropriated to the State Tax Commission the following amounts from the General Account, to be expended for the designated programs for the period July 1, 1987, through June 30, 1988:

FOR:

General Services Program	$78,900
Revenue Operations Program	$69,200

SECTION 7. (1) An emergency existing therefor, which emergency is hereby declared to exist, Sections 1, 2 and 3 of this act shall be in full force and effect on and after its passage and approval, and retroactively to January 1, 1987.

(2) Sections 4, 5 and 6 of this act shall be in full force and effect on and after July 1, 1987, and tax payments due in September, 1987, under applicable federal law, shall correspondingly be due in September, 1987, under the provisions of this act.

Approved April 6, 1987.

CHAPTER 343
(H.B. 380)

AN ACT

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 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	$ 25,000
Military Division	198,000
Department of Agriculture	30,000
Department of Correction	818,000
State Board of Education	1,830,000
Department of Health and Welfare	1,331,000
Department of Parks and Recreation	150,000
Department of Lands	137,000
Department of Administration:	
Asbestos Abatement	325,000
Contingency	250,000
SUBTOTAL	$5,094,000
B. DEPARTMENT OF HEALTH AND WELFARE:	
Veteran's Home, Domiciliary Remodel	$ 600,000
C. STATE BOARD OF EDUCATION:	
Idaho State University, College of Pharmacy Remodel	$ 400,000
Lewis-Clark State College, Library, Planning/Design	88,000
Boise State University, Campus Master Plan	75,000
School for the Deaf and Blind, Bond Payment	243,000
D. OFFICE OF THE GOVERNOR:	

Military Division, Homedale Armory	$ 400,000
GRAND TOTAL	$6,900,000

SECTION 2. It is the express intention that the moneys appropriated by this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 3. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 4. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the General Fund were being anticipated.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 6, 1987.

CHAPTER 344
(S.B. No. 1040)

AN ACT

RELATING TO POLITICAL CAMPAIGN CONTRIBUTIONS; AMENDING SECTION 67-6605, IDAHO CODE, TO PROVIDE THAT A POLITICAL TREASURER SHALL NOT ACCEPT CONTRIBUTIONS OF MORE THAN TWO HUNDRED DOLLARS FROM A POLITICAL COMMITTEE NOT DOMICILED IN THE STATE OF IDAHO AND NOT OTHERWISE REQUIRED TO REPORT UNDER THE STATE'S CAMPAIGN DISCLOSURE LAW UNLESS THE CONTRIBUTION IS ACCOMPANIED BY A WRITTEN STATEMENT SETTING FORTH THE NAME AND ADDRESS OF PERSONS WHO CONTRIBUTED MORE THAN TWO HUNDRED DOLLARS TO THE NONREPORTING COMMITTEE DURING THE PRECEDING TWELVE MONTH PERIOD, TO REQUIRE A POLITICAL TREASURER TO FILE THE WRITTEN STATEMENT WITH THE SECRETARY OF STATE AT A TIME CERTAIN, TO PROVIDE DUTIES OF A POLITICAL TREASURER AND THE SECRETARY OF STATE, TO PROVIDE THAT ALL CONTRIBUTIONS OF MORE THAN TWO

HUNDRED DOLLARS FROM A NONREPORTING COMMITTEE UNACCOMPANIED BY A WRITTEN STATEMENT SETTING FORTH REQUIRED INFORMATION REGARDING THE CONTRIBUTIONS SHALL BE RETURNED TO THE NONREPORTING COMMITTEE, AND TO REQUIRE A POLITICAL TREASURER TO FILE A REPORT WITH THE SECRETARY OF STATE REGARDING THE RETURNED CONTRIBUTIONS; AND AMENDING SECTION 67-6607, IDAHO CODE, TO REQUIRE WINNING AND LOSING CANDIDATES AND POLITICAL COMMITTEES TO FILE A STATEMENT OF CONTRIBUTIONS RECEIVED AND EXPENDITURES OR ENCUMBRANCES MADE WITH THE SECRETARY OF STATE NO MORE THAN THIRTY DAYS AFTER THE DATE OF A PRIMARY ELECTION IN WHICH THE CANDIDATE OR POLITICAL COMMITTEE WAS INVOLVED, AND TO PROVIDE A TIME SCHEDULE FOR REPORTS FOR ALL CANDIDATES FOLLOWING A PRIMARY ELECTION.

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

SECTION 1. That Section 67-6605, Idaho Code, be, and the same is hereby amended to read as follows:

67-6605. CONTRIBUTIONS BY NONREPORTING COMMITTEES. (a) A political treasurer shall not accept a contribution of more than ~~fifty~~ two hundred dollars ($~~50~~200.00) from a political committee not domiciled in the ~~S~~state of Idaho and not otherwise required to report under this act (a "nonreporting committee"), unless the contribution is accompanied by a written statement setting forth the full name and complete address of each person who contributed more than ~~fifty~~ two hundred dollars ($~~50~~200.00) to the nonreporting committee during the preceding twelve (12) month period and certified as true and correct by an officer of the nonreporting committee. The political treasurer shall file with the secretary of state a copy of the written statement required in this subsection no less than thirty (30) calendar days after receipt of the report from the nonreporting committee. The political treasurer shall attest on a form supplied by the secretary of state as to the correctness of the copy submitted to the secretary of state.

(b) All contributions of more than ~~fifty~~ two hundred dollars ($~~50~~200.00) from a nonreporting committee, unaccompanied by a written statement setting forth the full name and complete address of each person who contributed more than ~~fifty~~ two hundred dollars ($~~50~~200.00) to the nonreporting committee shall be returned to the nonreporting committee. The political treasurer shall file with the secretary of state a report of the number and amount of contributions returned to the nonreporting committee pursuant to this subsection within thirty (30) days after the contributions have been returned to the nonreporting committee.

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~~ eleventh day ~~before~~ after the date of the primary election and to and including the fifteenth day before the general election, together with a cumul~~ative sta~~tement 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.

Approved April 6, 1987.

CHAPTER 345
(S.B. No. 1085, As Amended)

AN ACT

RELATING TO THE TRANSPORTATION OF HAZARDOUS WASTE; AMENDING SECTION 49-2504, IDAHO CODE, TO CLARIFY REQUIREMENTS FOR HAZARDOUS WASTE TRIP PERMITS AND TO PROVIDE AN EXCEPTION; AND AMENDING SECTION 49-2505, IDAHO CODE, TO PROVIDE AN ADDITIONAL REQUIREMENT FOR HAZARDOUS MATERIALS ENDORSEMENTS.

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

SECTION 1. That Section 49-2504, Idaho Code, be, and the same is hereby amended to read as follows:

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 in which the shipment meets any one of the following qualifiers:

(a) Is required to be placarded pursuant to title 49, code of federal regulations, part 172;

(b) Is manifested on a United States environmental protection agency uniform hazardous waste manifest form 8700-22 and 8700-22a, or its equivalent;

(c) Is any waste material containing polychlorinated biphenyls (PCB) which is regulated by title 40, code of federal regulations, part 761; but in the event waste material is being transported to a disposal facility approved in compliance with 40 CFR 761.70 or 40 CFR 761.75 and is accompanied by a hazardous waste manifest form 8700-22 or 8700-22a, or its equivalent, then a permit shall be required regardless of the polychlorinated biphenyl concentration.

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 or rural electric cooperatives.

(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.

SECTION 2. That Section 49-2505, Idaho Code, be, and the same is hereby amended to read as follows:

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~~ such vehicle is required to be placarded pursuant to title 49, code of federal regulations, part 172, or such vehicle's cargo is regulated by title 49, code of federal regulations, part 171, or is required 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.

Approved April 6, 1987.

CHAPTER 346
(S.B. No. 1097, As Amended)

AN ACT

RELATING TO RETIREMENT INCENTIVES FOR ACTIVE MEMBERS; AMENDING SECTION 59-1302, IDAHO CODE, TO PROVIDE THAT THE DEFINITION OF MEMBERSHIP SERVICE INCLUDE RETIREMENT INCENTIVE PLAN SERVICE; AND AMENDING CHAPTER 13, TITLE 59, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 59-1310A, IDAHO CODE, TO PROVIDE AUTHORIZATION TO AN EMPLOYER TO CREATE AN EMPLOYEE RETIREMENT INCENTIVE PLAN, TO PROVIDE FOR THE EMPLOYER TO PAY THE COST OF EMPLOYEE MEMBERSHIP SERVICE CREDITED BY THE PLAN, TO REQUIRE THAT THE PLAN REMAIN IN EFFECT FOR AT LEAST ONE YEAR, TO PROVIDE EMPLOYEE ELIGIBILITY REQUIREMENTS, TO REQUIRE THE REFUND OF EMPLOYER PAYMENTS IF THE EMPLOYEE FAILS TO COMPLY, TO ALLOW THE EMPLOYER TO RESTRICT PARTICIPATION TO FUNDS AVAILABLE TO PAY COSTS DURING THE PLAN YEAR, TO GIVE PRIORITY TO THE EMPLOYEES WITH THE LARGEST AMOUNT OF MEMBERSHIP SERVICE ACCUMULATION WITH THE EMPLOYER, AND TO PROVIDE THAT PLAN PAYMENTS MUST EQUAL ACTUARIAL LIABILITY GENERATED BY THE PLAN.

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 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 and 59-1310A, 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 Chapter 13, Title 59, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 59-1310A, Idaho Code, and to read as follows:

59-1310A. RETIREMENT INCENTIVE PLAN. (1) An employer, or where the employer's payroll is paid separately by departments, a department may establish and announce a retirement incentive plan (plan) for its employees who are active members. Thus, the term employer as used in this section refers equally to a department as noted herein. The plan shall provide for purchase of membership service (plan service) for eligible employees who choose to participate in the plan. The plan shall specify that no more than sixty-five percent (65%) of the cost of such purchase shall be paid by the employer and each member acquiring plan service during the plan year shall pay a minimum of thirty-

five percent (35%) of the cost of his own plan service accrued pursuant to this section. Each plan shall be adopted for any complete twelve (12) consecutive month period (plan year). For purposes of section 59-1310, Idaho Code, and other sections, the membership classification for plan service shall be deemed the same as the member's membership classification on the first day of the plan year.

(2) An employee who is an active member shall be eligible to participate in the employer established retirement incentive plan if he:

(a) Has attained early retirement eligibility by the first day of the plan year;

(b) Will become eligible to receive his fully accrued retirement allowance during the plan year with the addition of the plan service;

(c) Makes application before the end of the second month of the plan year; and

(d) Agrees to retire either by the end of the plan year in which he becomes eligible to receive his fully accrued retirement allowance computed with the plan service added or within ninety (90) days of the date he is notified such additional plan service is credited, whichever is later.

If the participating member does not retire within the period specified in subsection (2)(d), such plan service credited for that year will be negated and the cost of its purchase shall be refunded to the employer.

(3) Participation in the plan shall be available to all eligible employees during the plan year except that the employer may limit its total cost under the plan in any plan year as announced before the beginning of the plan year. If participation is thus limited, employees with the greatest membership service accumulation with the employer shall have all their plan service purchased before employees with a lesser membership service accumulation with that employer.

(4) The amount of plan service purchased for any participant shall be uniformly determined for all eligible members but shall not exceed the lesser of the following:

(a) Sixty (60) months; or

(b) The amount necessary to provide the member with eligibility to receive his fully accrued retirement allowance before the end of the plan year.

(5) For each month of plan service, the employer shall remit to the retirement board an amount specified by the retirement board equal to the additional liability resulting from the purchase of that service as determined by the actuary employed by the retirement board. These remittances shall be made by the employer prior to the time each participating member will achieve eligibility for a fully accrued retirement allowance with the plan service added.

Approved April 6, 1987.

CHAPTER 347
(S.B. No. 1133, As Amended)

AN ACT

RELATING TO THE MANAGEMENT OF GROUND WATERS, LOW TEMPERATURE GEOTHERMAL RESOURCES AND GEOTHERMAL RESOURCES; AMENDING SECTION 42-226, IDAHO CODE, TO PROVIDE THAT IN DETERMINING A REASONABLE GROUND WATER PUMPING LEVEL OR LEVELS, THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL CONSIDER AND PROTECT THE THERMAL AND/OR ARTESIAN PRESSURE VALUES FOR LOW TEMPERATURE GEOTHERMAL RESOURCES AND FOR GEOTHERMAL RESOURCES TO THE EXTENT THAT HE DETERMINES SUCH PROTECTION IN THE PUBLIC INTEREST AND TO MAKE GRAMMATICAL CHANGES; AMENDING SECTION 42-230, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-233, IDAHO CODE, TO PROVIDE FOR THE DESIGNATION OF LOW TEMPERATURE GEOTHERMAL RESOURCES, TO PROVIDE FOR THE ACQUISITION OF THE RIGHT TO USE LOW TEMPERATURE GEOTHERMAL RESOURCES, TO PROVIDE BONDING, AND TO PROVIDE A GRANDFATHER CLAUSE FOR PERMITS, LICENSES, DECREED RIGHTS AND VALID CLAIMS TO THE USE OF GROUND WATER AND FOR PERMITS, LICENSES AND RIGHTS TO THE USE OF GEOTHERMAL RESOURCES; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-235, IDAHO CODE, TO REQUIRE THE OWNER OF A WELL TO OBTAIN A PERMIT FROM THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES PRIOR TO ITS CONSTRUCTION OR DRILLING, TO PROVIDE FEES AND TO PROVIDE PENALTIES; AMENDING SECTION 42-237a, IDAHO CODE, TO ALLOW WITHDRAWAL OF GROUND WATER AT A RATE EXCEEDING THE REASONABLY ANTICIPATED RATE OF FUTURE NATURAL RECHARGE UPON CERTAIN CONDITIONS; AMENDING SECTION 42-237g, IDAHO CODE, TO DELETE LANGUAGE PROVIDING THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL REQUEST THE ATTORNEY GENERAL OR A PROSECUTING ATTORNEY TO BRING CIVIL ENFORCEMENT ACTIONS, INJUNCTIVE ACTIONS AND CRIMINAL ENFORCEMENT ACTIONS AND TO PROVIDE A CORRECT REFERENCE; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-237h, IDAHO CODE, TO PROVIDE DUTIES OF THE ATTORNEY GENERAL AND PROSECUTING ATTORNEYS REGARDING CIVIL ENFORCEMENT ACTIONS, INJUNCTIVE ACTIONS AND CRIMINAL ENFORCEMENT ACTIONS; AMENDING SECTION 42-238, IDAHO CODE, TO PROVIDE ADDITIONAL REQUIREMENTS FOR WELL DRILLERS WHO DRILL WELLS FOR PRODUCTION OF LOW TEMPERATURE GEOTHERMAL RESOURCES OR GEOTHERMAL RESOURCES, TO PROVIDE A VARIABLE BOND SCHEDULE BASED ON CRITERIA, TO REQUIRE THE ATTESTATION OF A WELL DRILLER'S REPORT THAT THE INFORMATION CONTAINED IS ACCURATE AND THAT THE DRILLER HAS MET CONSTRUCTION STANDARDS FOR WELLS, TO PROVIDE FOR THE ADOPTION BY THE WATER RESOURCE BOARD OF MINIMUM STANDARDS FOR LOW TEMPERATURE GEOTHERMAL RESOURCE WELL CONSTRUCTION AND GEOTHERMAL RESOURCE WELL CONSTRUCTION, TO PROVIDE THAT ADDITIONAL REQUIREMENTS MAY BE ADDED FOR WELLS DRILLED IN AREAS OF DRILLING CONCERN, TO PROVIDE PENALTIES FOR FAILING TO FILE A WELL DRILLER'S REPORT OR FOR PROVIDING FALSE OR INACCURATE INFORMATION IN A WELL DRILLER'S REPORT, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES MAY DESIGNATE AREAS OF DRILLING CONCERN ON AN AQUIFER BY AQUIFER BASIS, TO PROVIDE ADDITIONAL REQUIREMENTS FOR

PERSONS DRILLING A NEW WELL OR MODIFYING AN EXISTING WELL IN AN AREA OF DRILLING CONCERN, AND TO PROVIDE PROCEDURES THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES MUST FOLLOW; AMENDING CHAPTER 2, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-238b, IDAHO CODE, TO ENUMERATE AN ENFORCEMENT PROCEDURE WHEN THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES HAS DETERMINED THAT A DRILLER HAS NOT COMPLIED WITH THE PROVISIONS OF THE STATE'S WELL DRILLING LAW, TO PROVIDE PENALTIES, TO PROVIDE CIVIL REMEDIES, AND TO PROVIDE PENALTIES FOR PERSONS CAUSING A WELL TO BE ALTERED OR MODIFIED SO AS TO NOT MEET THE STATE'S MINIMUM WELL CONSTRUCTION STANDARDS; AMENDING SECTION 42-1601, IDAHO CODE, TO PROVIDE THAT PERSONS OWNING OR CONTROLLING ARTESIAN WELLS SHALL CONTROL BOTH SURFACE AND SUBSURFACE FLOWS FROM THE WELL, TO PROVIDE THAT ARTESIAN WELLS SHALL BE MAINTAINED TO PREVENT SURFACE AND SUBSURFACE WASTE OF WATER RESOURCES AND TO PREVENT CONTAMINATION OF SURFACE AND SUBSURFACE WATER RESOURCES AND TO PROVIDE A PRESUMPTION THAT THE OWNER OF THE LAND UPON WHICH A WELL IS LOCATED SHALL BE DEEMED TO OWN THE WELL UNLESS CERTAIN DOCUMENTATION ACCEPTABLE TO THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES IS AVAILABLE TO DEMONSTRATE THAT THE WELL IS OWNED BY ANOTHER; AMENDING SECTION 42-1604, IDAHO CODE, TO REDEFINE ARTESIAN WELLS; AMENDING SECTION 42-1605, IDAHO CODE, TO PROVIDE PROCEDURES FOR ENFORCEMENT ACTIONS REGARDING THE LAW PERTAINING TO ARTESIAN WELLS, TO PROVIDE CIVIL PENALTIES, TO PROVIDE JUDICIAL REVIEW AND TO PROVIDE CRIMINAL PENALTIES; AMENDING CHAPTER 16, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1607, IDAHO CODE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL INITIATE A PROGRAM TO INVENTORY AND LOCATE ARTESIAN WELLS THROUGHOUT THE STATE, TO PROVIDE THAT THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHALL PLUG ABANDONED ARTESIAN WELLS OR ARTESIAN WELLS WHERE THE OWNER CANNOT BE ASCERTAINED, TO PROVIDE DUTIES OF OWNERS OF ARTESIAN WELLS NOT IN COMPLIANCE WITH IDAHO MINIMUM WELL CONSTRUCTION STANDARDS, TO PROVIDE JUDICIAL REVIEW AND TO PROVIDE REMEDIES; AMENDING SECTION 42-4002, IDAHO CODE, TO FURTHER DEFINE TERMS; AMENDING SECTION 42-4003, IDAHO CODE, TO GRANDFATHER IN, VALID, VESTED WATER RIGHTS FOR WATER IN USE ON OR BEFORE JULY 1, 1987, TO PROVIDE THAT A GEOTHERMAL RESOURCE SHALL BE UTILIZED PRIMARILY FOR ITS HEAT VALUE, AND TO PROVIDE THAT USAGE OF A GEOTHERMAL RESOURCE PRIMARILY FOR SOME REASON OTHER THAN ITS HEAT VALUE SHALL NOT BE DEEMED A BENEFICIAL USE OF THE RESOURCE; AMENDING SECTION 42-4005, IDAHO CODE, TO MAKE GRAMMATICAL CHANGES AND TO PROVIDE A VARIABLE BOND SCHEDULE BASED ON A VARIETY OF FACTORS; AND AMENDING SECTION 42-4010, IDAHO CODE, TO INCREASE THE MAXIMUM FINE AMOUNT, TO PROVIDE AN ENFORCEMENT MECHANISM AND TO MAKE GRAMMATICAL CHANGES.

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

SECTION 1. That Section 42-226, Idaho Code, be, and the same is hereby amended to read as follows:

42-226. GROUND WATERS ARE PUBLIC WATERS. ~~It is hereby declared that t~~The traditional policy of the state of Idaho, requiring the

water resources of this state to be devoted to beneficial use in reasonable amounts through appropriation, is affirmed with respect to the ground water resources of this state as said term is hereinafter defined and, while the doctrine of "first in time is first in right" is recognized, a reasonable exercise of this right shall not block full economic development of underground water resources~~;--but--early~~. Prior appropriators of underground water shall be protected in the maintenance of reasonable ground water pumping levels as may be estab~~lished by t~~he director of the department of water resources as herein provided. In determining a reasonable ground water pumping level or levels, the director of the department of water resources shall consider and protect the thermal and/or artesian pressure values for low temperature geothermal resources and for geothermal resources to the extent that he determines such protection is in the public interest. All ground waters in this state are declared to be the property of the state, whose duty it shall be to supervise their appropriation and allotment to those diverting the same for beneficial use. ~~All~~ This act shall not affect the rights to the use of ground water in this state ~~however~~ acquired before ~~the effective date of this act are hereby in all respects validated and confirmed~~ its enactment.

~~Provided;--that--a~~Any application for a water permit that ~~involves~~ seeks to transfer ~~of~~ ground water outside the immediate ground water basin as defined by the director of the department of water resources ~~and which involves sufficient water to irrigate~~ for the purpose of irrigating five thousand (5,000) or more acres on a continuing basis or for a total volume in excess of ten thousand (10,000) acre feet per year, the application must first be approved by the director of the department of water resources and ~~after his approval also~~ then by the Idaho legislature. Each shall give due consideration to the local economic and ecological impact of the project or development so proposed.

SECTION 2. That Section 42-230, Idaho Code, be, and the same is hereby amended to read as follows:

42-230. DEFINITIONS. (a) "Ground water" is all water under the surface of the ground whatever may be the geological structure in which it is standing or moving.

(1) All ground water having a temperature of greater than eighty-five (85) degrees Fahrenheit and less than two hundred twelve (212) degrees Fahrenheit in the bottom of a well shall be classified and administered as a low temperature geothermal resource pursuant to section 42-233, Idaho Code.

(2) All ground water having a temperature of two hundred twelve (212) degrees Fahrenheit or more in the bottom of a well shall be classified as a geothermal resource pursuant to section 42-4002, Idaho Code, and shall be administered as a geothermal resource pursuant to chapter 40, title 42, Idaho Code.

(b) "Well" is an artificial excavation or opening in the ground more than eighteen (18) feet in vertical depth below land surface by which ground water of any temperature is sought or obtained.

(c) "Well driller" is any person or group of persons who excavate

or open a well or wells for compensation or otherwise upon the land of the well driller or upon other land. Well driller does not include those persons who construct a well on their own property for their own use without the aid of any power driven mechanical equipment.

(d) "Well drilling" or "drilling" for purposes of this chapter is the act of constructing a new well or deepening or modifying an existing well by any percussion, rotary, boring, digging, jetting, or augering method.

(e) "Domestic purposes" is water for household use or livestock and water used for all other purposes including irrigation of up to one-half (1/2) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day. For the purposes of the exception in section 42-227, Idaho Code, "domestic purposes" shall not include water for multiple ownership subdivisions, mobile home parks, commercial or business establishments.

(~~e~~f) "Water right" is the legal right, however acquired, to the use of water for beneficial purposes.

(~~f~~g) "Operator" is the employee of the well driller who, through his work at the drilling site, causes the well to be drilled.

(h) "Low temperature geothermal resource well" means a well which is capable of producing a low temperature geothermal resource from which fluids can be produced which have value by virtue of the heat contained therein.

SECTION 3. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-233, Idaho Code, and to read as follows:

42-233. LOW TEMPERATURE GEOTHERMAL RESOURCE. (1) The right to the use of low temperature geothermal resources of this state shall be acquired by appropriation. The appropriation may be perfected by means of the application, permit and license procedure as provided in this chapter for ground water, provided that low temperature geothermal resources shall be utilized primarily for heat value and secondarily for the value as water. Usage of a low temperature geothermal resource primarily for reasons other than heat value is not a beneficial use of the resource, unless the director of the department of water resources exempts the proposed use. The director may exempt a proposed use if the director finds that the proposed use satisfies the following criteria: (i) there is no feasible alternative use of the resource; (ii) there is no economically viable source of water having a bottom hole temperature of eighty-five (85) degrees or less in a well available; and (iii) the exemption is in the public interest.

(2) Any owner of a well who engages in the drilling, redrilling, deepening, maintaining or abandoning of any low temperature geothermal well shall file with the director of the department of water resources a surety bond or cash bond in the penal sum of not less than five thousand dollars ($5,000) or more than twenty thousand dollars ($20,000) as determined by the director of the department of water resources based on the temperature, depth and pressure of the

resource, the size and depth of the well, and any other relevant factors. The surety or cash bond shall be conditioned upon the proper compliance with the provisions of this chapter and chapter 40, title 42, Idaho Code, and rules and regulations promulgated pursuant thereto. The bond shall remain in effect until the well is properly abandoned by the owner.

(3) All permits, licenses, decreed rights and valid claims to a right to the use of ground water which would be classified as a low temperature geothermal resource having a priority date prior to July 1, 1987, remain valid and the bond provisions of subsection (2) of this section are not applicable unless the well from which the right diverts water is modified or deepened. The provisions of this section shall not be applicable to all permits, licenses and rights to the use of geothermal resources as defined in chapter 40, title 42, Idaho Code, which would be classified as a low temperature geothermal resource under this section, issued or proclaimed prior to July 1, 1987, and the bond provisions of subsection (2) of this section.

SECTION 4. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-235, Idaho Code, and to read as follows:

42-235. DRILLING PERMITS. Prior to constructing or drilling any well, an owner shall obtain a permit from the director of the department of water resources, to protect the public health, safety and welfare and the environment and to prevent the waste or mixture of any water from a well. There shall be a ten dollar ($10.00) charge for the permit if the well is to be used for domestic or monitoring purposes. If the well is to be used for other than domestic or monitoring purposes, the charge for the permit shall be one hundred dollars ($100). All moneys received pursuant to this section shall be credited to the water administration account. The director may provide a blanket drilling permit for site specific monitoring programs which will determine the quality, quantity, temperature, pressure or other attributes of aquifers. The application for a blanket permit shall be submitted by a licensed engineer or licensed geologist and shall describe the overall drilling program and all relevant technical features of the wells to the satisfaction of the director. Progress reports, completion and other data may be required as provided by rule and regulation. The fee for the blanket permit shall be fifty dollars ($50.00). A person violating any provision of this section shall be guilty of a misdemeanor.

SECTION 5. That Section 42-237a, Idaho Code, be, and the same is hereby amended to read as follows:

42-237a. POWERS OF THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES. In the administration and enforcement of this act and in the effectuation of the policy of this state to conserve its ground water resources, the director of the department of water resources is empowered:

a. To require all flowing wells to be so capped or equipped with valves that the flow of water can be completely stopped when the wells are not in use.

b. To require both flowing and nonflowing wells to be so constructed and maintained as to prevent the waste of ground waters through leaky wells, casings, pipes, fittings, valves or pumps either above or below the land surface.

c. To prescribe uniform scientific methods to determine water levels in and calculate waters withdrawn from wells.

d. To go upon all lands, both public and private, for the purpose of inspecting wells, pumps, casings, pipes, and fittings, including wells used or claimed to be used for domestic purposes.

e. To order the cessation of use of a well pending the correction of any defect that the director of the department of water resources has ordered corrected.

f. To commence actions to enjoin the illegal opening or excavation of wells or withdrawal or use of water therefrom and to appear and become a party to any action or proceeding pending in any court or administrative agency when it appears to the director of the department of water resources that the determination of such action or proceeding might result in depletion of the ground water resources of the state contrary to the public policy expressed in this act.

g. To supervise and control the exercise and administration of all rights hereafter acquired to the use of ground waters and in the exercise of this power he may bey summary order, prohibit or limit the withdrawal of water from any well during any period that he determines that water to fill any water right in said well is not there available. To assist the director of the department of water resources in the administration and enforcement of this act, and in making determinations upon which said orders shall be based, he may establish a ground water pumping level or levels in an area or areas having a common ground water supply as determined by him as hereinafter provided. Water in a well shall not be deemed available to fill a water right therein if withdrawal therefrom of the amount called for by such right would affect, contrary to the declared policy of this act, the present or future use of any prior surface or ground water right or result in the withdrawing of the ground water supply at a rate beyond the reasonably anticipated average rate of future natural recharge. However, the director may allow withdrawal at a rate exceeding the reasonably anticipated rate of future natural recharge if the director finds it is in the public interest and if it satisfies the following criteria:

1. A program exists or likely will exist which will increase recharge or decrease withdrawals within a time period acceptable to the director to bring withdrawals into balance with recharge.

2. Holders of senior rights to use ground water will not be caused thereby to pump water from below the established reasonable pumping level or levels.

In connection with his supervision and control of the exercise of ground water rights the director of the department of water resources shall also have the power to determine what areas of the state have a common ground water supply and whenever it is determined that any area

has a ground water supply which affects the flow of water in any stream or streams in an organized water district, to incorporate such area in said water district; and whenever it is determined that the ground water in an area having a common ground water supply does not affect the flow of water in any stream in an organized water district, to incorporate such area in a separate water district to be created in the same manner provided for in section 42-604 of title 42, Idaho Code. The administration of water rights within water districts created or enlarged pursuant to this act shall be carried out in accordance with the provisions of title 42, Idaho Code, as the same have been or may hereafter be amended, except that in the administration of ground water rights either the director of the department of water resources or the watermaster in a water district or the director of the department of water resources outside of a water district shall, upon determining that there is not sufficient water in a well to fill a particular ground water right therein by order, limit or prohibit further withdrawals of water under such right as hereinabove provided, and post a copy of said order at the place where such water is withdrawn; provided, that land, not irrigated with underground water, shall not be subject to any allotment, charge, assessment, levy, or budget for, or in connection with, the distribution or delivery of water.

SECTION 6. That Section 42-237g, Idaho Code, be, and the same is hereby amended to read as follows:

42-237g. PENALTIES. Any person violating any provision of this ~~act~~ chapter, or any decision of the director of the department of water resources, or order of a local ground water board, shall be guilty of a misdemeanor and any continuing violation shall constitute a separate offense for each day during which such violation occurs, but nothing in this section or in the pendency or completion of any criminal action for enforcement hereof shall be construed to prevent the institution of any civil action for injunctive or other relief for the enforcement of this ~~act~~ chapter or the protection of rights to the lawful use of water~~;-provided,-further,-that-if-in-the-opinion-of-the director-of-the-department-of-water-resources-there-has-been-a--violation-of-any-such-decision-or-order,-he-shall-request-the-attorney-general-or-the-prosecuting-attorney-of-any-county-in-which-such-violation has-occurred-to-bring-and-prosecute-in-the-name-of-the-director-of-the department--of-water-resources-or-of-the-state-of-Idaho-an-appropriate action-for-injunctive-or-other-relief-to-enforce-any-such-decision--or order,--and,--upon--such--request,--the--attorney-general-and-any-such prosecuting-attorney-shall-forthwith-bring-and-prosecute-such--action.~~

SECTION 7. That Chapter 2, Title 42, Idaho Code, be and the same is hereby amended by the addition of a NEW SECTION to be known and designated as Section 42-237h, Idaho Code, and to read as follows:

42-237h. DUTIES OF THE ATTORNEY GENERAL. It shall be the duty of the attorney general to institute and prosecute civil enforcement actions or injunctive actions as provided in this chapter and to

prosecute actions or proceedings for the enforcement of any criminal provisions of this chapter. 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 8. That Section 42-238, Idaho Code, be, and the same is hereby amended to read as follows:

42-238. WELL DRILLERS. (1) Powers and duties. The director of the department of water resources is hereby vested with the duties relating to the licensing of well drillers as provided for in this act so as to protect the ground water resources against waste and contamination. Qualifications for well drillers shall be adopted by rule of the water resource board. The water resource board is authorized to adopt a code of standards of well construction necessary to protect the ground water resources as set forth in this act, to be enforced by the director. The director of the department of water resources is also charged with the responsibility of collecting and filing for public use the well drillers' reports that are required in this act.

(2) Licensing of well drillers. It shall be unlawful for any person after July 1, 1967 to drill a well in Idaho, including wells excepted under sections 42-227 and 42-228, Idaho Code, without first obtaining a driller's license as provided herein. For the purpose of this act, a "person" shall be defined as any individual who drills a water well for himself or another in this state; it shall also be defined as any firm, copartnership, corporation or association which drills or contracts to drill a water well for hire or otherwise in this state except that employees of said firm, copartnership, corporation or association authorized to operate drilling equipment as the contractor's agent, shall not be required to obtain an individual well drilling license provided that the names and addresses of such employees are recorded with the director of the department of water resources. The license shall be obtained by filing with the director an application in writing on a form provided by the director accompanied by a twenty-five dollar ($25.00) licensing fee. To determine the applicant's qualifications, the director may require detailed information on the driller's past experience, and/or references, and/or an oral examination, and/or a written examination. The water resource board shall adopt rules and regulations for licensing of well drillers in compliance with chapter 52, title 67, Idaho Code, and shall consider such factors as the applicant's (1) knowledge of Idaho water laws and the rules and regulations of the water resource board in connection with the drilling of wells, (2) knowledge of proper well construction procedures and the water well construction standards adopted by the water resource board as provided in this act, (3) knowledge of the various types of drilling tools and their use, (4) general knowledge of underground geology and ground water hydrology and their relation to well construction, (5) ownership or access to equipment capable of adequately constructing a well, (6) knowledge of types of well casing and their use, (7) knowledge of special well drilling problems and their solution, and (8) previous drilling

experience. In addition, the water resource board shall adopt rules and regulations setting forth additional requirements for licensing well drillers who shall drill wells for the production of low temperature geothermal resources as defined in section 42-233, Idaho Code, or for the production of geothermal resources as provided in chapter 40, title 42, Idaho Code. A copy of the proposed rules and regulations for licensing of well drillers shall be furnished to each well driller holding a current license at the time such proposed rules and regulations are promulgated.

If it is determined that the applicant is not qualified, the director shall deny the application and refund the licensing fee. If it is determined that the applicant is qualified, a license shall be issued upon the filing with the director of a surety bond or cash bond in the penal sum of ~~one~~ not less than five thousand dollars ($~~1~~5,000), or more than twenty thousand dollars ($20,000) as determined by the director based on the size and depth of the wells the applicant proposes to drill, the complexity of the wells, the resource to be recovered, the area of operation of the applicant, and other relevant factors the director determines are in the public interest. The surety or cash bond shall be conditioned upon the proper compliance with the provisions of this ~~act~~ chapter, chapter 40, title 42, Idaho Code, and rules and regulations promulgated pursuant thereto. Such bond shall be made payable to the director. A license issued under this section shall expire on June 30 of each year or upon revocation of the license by the director as provided for in this act. The license can be renewed effective July 1 of each year upon written application on forms provided by the director and the filing of a ten dollar ($10.00) renewal fee. The renewal request must be accompanied by a new bond or evidence that the previous bond is still in effect. The renewal may then be granted by the director if he determines that the driller has complied with the rules and regulations promulgated pursuant to this act. The fees collected for the licensing of well drillers shall be deposited in a special fund with the state treasurer with other fees collected by the director.

The licensed driller shall have a card on hand, provided by the director to indicate his present license at all times when he is operating the drilling equipment. The director may also require other identification to be posted on the drilling equipment as he deems helpful in the administration of this act.

(3) Well driller's report. In order to enable a comprehensive survey of the extent and occurrence of the state's ground water resource, every well driller is hereby required to keep a well log and pertinent data concerning each well, and its construction, that is drilled by him in Idaho, including wells excepted under sections 42-227 and 42-228 ~~of this title~~, Idaho Code, and complete a report on forms furnished by the director. These reports shall be properly prepared and signed by the driller and deposited with the director within thirty (30) days following the completion of the well. ~~Said~~ When the driller signs the report, the driller shall attest that all information on the report is accurate to the best of the driller's knowledge and that the driller has met all minimum well construction standards, low temperature geothermal resource well construction standards and

geothermal resource well construction standards as adopted by the water resource board. The report shall become a permanent record in the office of the director for hydrologic and geologic analysis and research, and shall be available for public use. The report shall include such data as the director deems necessary to provide the information that will be valuable for future reference and study.

(4) Well construction standards. The water resource board shall adopt minimum standards for water well construction, low temperature geothermal resource well construction and geothermal well construction in this state under the provisions of chapter 52, title 67, Idaho Code. Such standards shall require each well to be so constructed as to protect the ground water of the state from waste and contamination and may include additional requirements for wells drilled in "areas of drilling concern" as designated in accordance with subsection (7) of this section. Every licensed well driller will be furnished a copy of the adopted standards by the director of the department of water resources, and will be required to construct each well drilled after July 1, 19~~6~~87, in compliance with the ~~determined~~ adopted standards.

(5) Penalties for violation. Failure of the driller to comply with the provisions of section 42-238(3), Idaho Code, will allow the director to proceed to collect the necessary data on the well or wells in any manner available to him, and the cost of this data collection may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(3), Idaho Code, is also cause for the director to revoke an active license, or refuse to renew a license, until such time as the well driller's report or reports are properly completed and on file in the office of the director. If it is found that a driller has intentionally submitted inaccurate or false information in the signed well driller's report as provided in subsection (3) of this section, or has failed to file a report within the time frame required, the driller shall be liable for a civil penalty not in excess of ten thousand dollars ($10,000) which shall be paid into the water administration account. In addition, this shall be cause for the director to suspend an active license for a period not in excess of one (1) year or to not renew a license.

Failure of the driller to comply with the provisions of section 42-238(4), Idaho Code, will allow the director to proceed to repair or reconstruct or plug a well so that it complies with the adopted minimum standards of well construction, and the costs of this work may be charged against the driller's bond in the amount of the expenses incurred up to the total amount of the bond.

Failure of the driller to comply with the provisions of section 42-238(4), Idaho Code, is also cause for the director to revoke an active license or refuse to renew a license until such time as the well driller has repaired or reconstructed the well or wells so that they meet the adopted minimum standards. The director may also require that the well driller present evidence to show that he and his equipment are now capable of constructing a well in a proper manner, before the license is renewed.

(6) Appeals. Refusal to issue, refusal to renew, or revocation of

a well driller's license by the director shall be cause for the well driller to seek a public hearing before the water resource board. No formal petition shall be required from the affected driller, but a simple statement, in writing, requesting a hearing shall be sufficient. The board shall notify the driller, and the director, of the date set for the hearing, which shall be at least fifteen (15) days after the notice is sent by certified mail to the well driller at his address of record with the department. A certified transcript of the proceedings and the evidence received at such hearing shall be maintained by the board. The board shall affirm, modify or reject the director's decision, and make its decision in the form of an order to the director. The hearing shall be conducted in accordance with chapter 52, title 67, Idaho Code, and rules of practice and procedure adopted by the water resource board. Any party to the hearing may seek judicial review of any final order of the water resource board pursuant to sections 67-5215 and 67-5216, Idaho Code.

(7) Drilling in a designated "area of drilling concern". The director of the department of water resources may designate as he determines necessary, "areas of drilling concern" on an aquifer by aquifer basis within which drillers must comply with the additional requirements of this section. The director shall designate "areas of drilling concern" to protect public health and to prevent waste or contamination of ground or surface water because of factors such as aquifer pressure, vertical depth of the aquifer, warm or hot ground water, or contaminated ground or surface waters. It is unlawful for any person not meeting the requirements of this subsection to drill a well for any purpose in a designated "area of drilling concern". Any person drilling a new well or deepening or modifying an existing well for any purpose in an "area of drilling concern" as designated by the director as herein provided shall comply with the following additional requirements:

(a) Additional bonding requirements, as determined by the director, to insure that the well is constructed or abandoned in compliance with the adopted standards for well construction.

(b) Additional experience and knowledge in drilling wells encountering warm water or pressurized aquifers as required by rules and regulations adopted by the water resource board.

(c) Document that specialized equipment needed to drill wells in "areas of drilling concern," as determined by the director, is or will be available to the driller.

(d) Provide a notice of intent to drill, deepen or modify a well, submit plans and specifications for the well and a description of the drilling methods that will be used, as required by the director, and receive the written approval of the director before commencing to drill, deepen, or modify any well in a designated "area of drilling concern".

Prior to designating an "area of drilling concern," the director shall conduct a public hearing in or near the area to determine the public interest concerning the designation. Notice of the hearing shall be published in two (2) consecutive weekly issues of a newspaper of general circulation in the area prior to the date set for hearing.

In the event an area has been designated as an "area of drilling

concern" and the director of the department of water resources desires to remove such designation or modify the boundaries thereof, he shall likewise conduct a public hearing following similar publication of notice prior to taking such action.

SECTION 9. That Chapter 2, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 42-238b, Idaho Code, and to read as follows:

42-238b. ENFORCEMENT PROCEDURE. (1) When the director of the department of water resources determines that a driller has not complied with the standards of subsections (2), (3), (4), (5) and (7) of section 42-238, Idaho Code, the director may commence an administrative enforcement action by issuing the driller a written notice of violation. The notice of violation shall identify and specify the alleged violation, shall specify each provision of subsections (2), (3), (4), (5) or (7) of section 42-238, Idaho Code, that have been violated and shall state the remedy or civil penalty the director seeks for redress of the violation.

(2) 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. 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 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 subsection (4) of this section.

(3) 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 the damage caused by the violation and assuring future compliance. 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. The 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 by law. If the parties cannot reach agreement of 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, the director may commence and prosecute a civil enforcement action in district court in accordance with subsection (4) of this section.

(4) The director may initiate a civil enforcement action through the attorney general as provided in subsection (6) of this section. 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 section 42-238, Idaho Code, or any rule and regulation promulgated pursuant thereto. Such action may be brought to compel compliance with any provision of section 42-238, Idaho Code, or any rule and regulation promulgated pursuant thereto. The director shall not be required to prosecute an administrative action before initiating a civil enforcement action.

(5) Any person determined in a civil enforcement action to have violated any provision of section 42-238, Idaho Code, or any rule and regulation promulgated pursuant thereto, shall be liable for a civil penalty not to exceed ten thousand dollars ($10,000) per violation or one hundred dollars ($100) per day of a continuing violation, whichever is greater. A method of recovery of the penalty shall be a civil enforcement action in and for the county where the violations occurred. All civil penalties collected under this section shall be paid into the water administration account. Parties to an administrative enforcement action may agree to a civil penalty as provided in this subsection. In addition to any civil penalties, any person who has been determined to have violated the provisions of section 42-238, Idaho Code, or the rules and regulations promulgated thereunder, shall be liable for any expense incurred by the state in enforcing the provisions of section 42-238, Idaho Code, or in enforcing or terminating any nuisance or source of environmental degradation caused by the violation. No action taken pursuant to this section shall relieve any person from any civil action and damages that may exist for injury or damage resulting from any violation of section 42-238, Idaho Code, or the rules and regulations promulgated pursuant thereto.

(6) Upon request of the director, it shall be the duty of the attorney general to institute and prosecute civil enforcement actions pursuant to this chapter.

(7) Any person causing a well to be altered or modified so as to not meet the construction standards provided for in section 42-238, Idaho Code, shall be deemed to have violated the provisions of this chapter and shall be subject to civil penalties as provided in subsection (5) of this section.

SECTION 10. That Section 42-1601, Idaho Code, be, and the same is hereby amended to read as follows:

42-1601. WELL NOT CONTROLLED A COMMON NUISANCE -- APPROVAL OF ~~COMMISSIONER~~ DIRECTOR -- RESERVOIRED WATER -- MAINTENANCE OF ARTESIAN WELLS. (1) Any person owning or controlling a flowing artesian well, which is not capped, equipped or furnished with such mechanical appliance as will readily control the flow of water from such well, shall be guilty of a misdemeanor and such well is hereby declared to be a common nuisance; and any person owning or controlling a flowing artesian well, which is capped, equipped or furnished with a mechanical appliance for arresting and preventing the flow of water therefrom,

which cap, equipment or mechanical appliance is of a type that has not been approved by the director of the department of water resources, shall be guilty of a misdemeanor and such well is hereby declared to be a common nuisance: provided, however, that in cases where the waters of artesian wells are reservoired and controlled so that waste is not committed and a common nuisance created and where the pressure of water in a reservoir automatically causes wells to cease to flow, such mechanical contrivances may be dispensed with by obtaining the consent of the director of the department of water resources.

(2) Any person owning or controlling an artesian well shall maintain the well to prevent waste or contamination of ground waters through leaky casings, pipes, fittings, valves, pumps, seals or through leakage around the outside of the casings, whether the leakage is above or below the land surface.

(3) The owner of the land on which the well is located shall be deemed to own the well unless a deed, covenant, contract, easement, or other documentation acceptable to the director is available to demonstrate that the well is owned by another.

SECTION 11. That Section 42-1604, Idaho Code, be, and the same is hereby amended to read as follows:

42-1604. ARTESIAN WELL DEFINED. For the purposes of this chapter, an artesian well is defined ~~to be any artificial hole made in the ground through which water naturally flows from subterranean sources to the surface of the ground for any length of time~~ as any well, as defined in subsection (b) of section 42-230, Idaho Code, which encounters pressurized ground water or low temperature geothermal resource under sufficient head to rise above the elevation at which it was first encountered whether or not the fluid flows at land surface. If the fluid level stands above land surface, the well is a flowing artesian well.

SECTION 12. That Section 42-1605, Idaho Code, be, and the same is hereby amended to read as follows:

42-1605. ~~PUNISHMENT--FOR--VIOLATION~~ ENFORCEMENT -- PENALTIES -- JUDICIAL REVIEW. ~~Any~~ (1) Enforcement procedure.

(a) If the director believes a person ~~violating~~ has violated any ~~of the provisions of this chapter shall, for each offense, be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty five dollars and not more than $300.00, or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.~~ of section 42-1601, Idaho Code, or any regulation promulgated by the board or any order issued by the director pursuant thereto, the director shall notify the person in writing by certified mail or personal service of the alleged violation. This notice of violation shall specify the following:

1. The statutory provisions, regulation or order alleged to have been violated;

2. The facts or conduct forming the basis of the alleged

violation;

3. A proposed order for any corrective action necessary for compliance with this section and a reasonable time period for completing any such corrective action, a civil penalty to be imposed pursuant to subsection (2) of this section; and

4. That the person has thirty (30) days from the receipt of the notice of violation or such longer time period as may be stated in the notice of violation in which to correct the violation and to file a report of corrective action taken, or the person must notify the director, in writing, within fifteen (15) days from receipt of the notice of violation that he wishes to contest the alleged violation, proposed order, or proposed civil penalty.

(b) If a person notifies the director in writing within fifteen (15) days from receipt of the notice of violation that he intends to contest the alleged violation and proposed order, the director shall afford the person an opportunity for a hearing before the water resource board or its appointee and such hearing shall be conducted in accordance with the rules of practice and procedure promulgated by the board.

(2) Civil penalties.

(a) Any person owning or controlling an artesian well, who has been determined by the director to have violated any provisions of this chapter, regulation promulgated by the water resource board pertaining to well construction standards, or order of the director issued pursuant to this chapter, shall be liable for a civil penalty or penalties, not to exceed three hundred dollars ($300) and for a civil penalty or penalties, not to exceed one hundred dollars ($100) per day for each day that the violation continues after notice of the violation has been given as provided in subsection (1)(a) of this section.

(b) All civil penalties owed under this section shall be paid to the director within thirty (30) days from the issuance of the final order imposing such penalty. The director may impose an additional civil penalty of twenty-five dollars ($25.00) for each day that payment of the civil penalty is late. The director shall deposit all civil penalties collected into the water administration account. Civil penalties may be recovered in a civil action brought in the district court in accordance with subsection (3)(c) of this section.

(3) Judicial review.

(a) Any person aggrieved by a final order of the director entered pursuant to this section may appeal to the district court within thirty (30) days of the issuance of the order. Such appeal shall be heard and determined in accordance with sections 67-5215 and 67-5216, Idaho Code.

(b) The director may petition the district court for injunctive relief or a temporary restraining order in order to prevent irreparable damage pending the outcome of enforcement proceedings pending before the director pursuant to this section.

(c) The director may commence a civil action in the district court to enforce the provisions of any final order of the director

issued pursuant to this section. If no appeal is taken pursuant to subsection (1)(a) of this section, the director's findings of fact and order, including an order deemed final pursuant to subsection (1)(b)2. of this section, shall be conclusive in connection with any action commenced by the director to enforce such order.

(4) Criminal penalties. Any person who willfully or negligently violates any of the provisions of this chapter shall, for each offense, be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars ($300) and not more than one thousand dollars ($1,000). Each day upon which such violation occurs shall constitute a separate violation.

SECTION 13. That Chapter 16, 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 42-1607, Idaho Code, and to read as follows:

42-1607. INVENTORY OF ARTESIAN WELLS -- PLUGGING WELLS. (1) The director of the department of water resources shall initiate a program to inventory and locate artesian wells throughout the state.

(2) The director of the department of water resources shall plug abandoned artesian wells or artesian wells where the owner cannot be ascertained.

(3) For artesian wells which are not in compliance with Idaho minimum well construction standards, the owner shall be required to have the well repaired in compliance with Idaho minimum well construction standards promulgated pursuant to section 42-238, Idaho Code, so as to preclude the wasting or commingling of water. The repairs shall be paid for by the owner of the well, and if repairs are not made within a maximum of one (1) year following notification, the director of the department of water resources may order the owner to plug the well. The director upon good cause shown may grant an additional time period not in excess of two (2) years for the owner to make repairs of the well. If the well is not plugged within thirty (30) days of the order, or other longer time period as provided in the order, the director may plug or cause the well to be plugged at the owner's expense. For the period of July 1, 1987, to June 30, 1992, the director of the department of water resources shall promulgate rules and regulations to implement a cost-sharing program to assist owners of wells which have been ordered repaired or plugged pursuant to this subsection. The rules and regulations shall provide that up to fifty percent (50%) of the cost of the repairs or plugging shall be paid by the department of water resources based on an applicant's ability to pay and moneys available for this purpose.

(4) Any person owning or controlling an artesian well which has been ordered repaired or plugged by the director of the department of water resources pursuant to subsection (3) of this section shall be liable for the costs of the repair or plugging if it was undertaken by the department of water resources. All moneys owed under the provisions of this section shall be paid to the director. The director shall charge interest on the amount owed in an amount no greater than twelve per cent (12%) per annum. The director shall deposit all moneys

collected into the water administration account. Moneys owed pursuant to the provisions of this section shall be collected in a civil action brought in the district court in accordance with subsection (5) of this section.

(5) Any person aggrieved by a final order of the director entered pursuant to the provisions of this section may appeal to the district court within thirty (30) days of the issuance of the order. The appeal shall be heard and determined in accordance with sections 67-5215 and 67-5216, Idaho Code. The director through the attorney general may petition the district court for injunctive relief or a temporary restraining order to prevent irreparable damage pending the outcome of proceedings before the director pursuant to the provisions of this section. The director through the attorney general may commence a civil action in the district court to enforce the provisions of any final order of the director issued pursuant to the provisions of this section.

SECTION 14. That Section 42-4002, Idaho Code, be, and the same is hereby amended to read as follows:

42-4002. DEFINITIONS. Whenever used in this act the term:

(a) "Department" means the Idaho department of water resources.

(b) "Director" means the director of the Idaho department of water resources.

(c) "Geothermal resource" means the natural heat energy of the earth, the energy, in whatever form, which may be found in any position and at any depth below the surface of the earth present in, resulting from, or created by, or which may be extracted from such natural heat, and all minerals in solution or other products obtained from the material medium of any geothermal resource. Ground water having a temperature of two hundred twelve (212) degrees Fahrenheit or more in the bottom of a well shall be classified as a geothermal resource. Geothermal resources are found and hereby declared to be sui generis, being neither a mineral resource nor a water resource, but they are also found and hereby declared to be closely related to and possibly affecting and affected by water and mineral resources in many instances.

(d) "Geothermal area" means the same general land area which, in its subsurface, is underlaid or reasonably appears to be underlaid by geothermal resources from or in a single reservoir, pool, or other source or interrelated sources, as such area or areas may be from time to time designated by the director.

(e) "Material medium" means any substance, including, but not limited to, naturally heated fluids, brines, associated gases, and steam, in whatever form, found at any depth and in any position below the surface of the earth, which contains or transmits the natural heat energy of the earth, but excluding petroleum, oil, hydrocarbon gas, or other hydrocarbon substances.

(f) "Permit" means a permit issued pursuant to this act for the construction and operation of any well or injection well.

(g) "Person" means any individual natural person, general or limited partnership, joint venture, association, cooperative organiza-

tion, corporation whether domestic or foreign, agency or subdivision of this or any other state, or any municipal or quasi-municipal entity whether or not it is incorporated.

(h) "Waste" means any physical waste including, but not limited to:

(1) Underground waste resulting from the inefficient, excessive or improper use or dissipation of geothermal energy in or of any geothermal resource pool, reservoir, or other source; or the locating, spacing, construction, equipping, operating, or producing of any well in a manner which results, or tends to result, in reducing the quantity of geothermal energy to be recovered from any geothermal area in this state;

(2) The inefficient above-ground transporting and storage of geothermal energy; and the locating, spacing, equipping, operating, or producing of any well or injection well in a manner causing, or tending to cause, unnecessary or excessive surface loss or destruction of geothermal energy;

(3) The escape into the open air, from a well, of steam or hot water in excess of what is reasonably necessary in the efficient development or production of a well.

(i) "Well" means any excavation or other alteration in the earth's surface or crust by means of which the energy of any geothermal resource and/or its material medium is sought or obtained.

(j) "Injection well" means any special well, converted producing well or reactivated or converted abandoned well employed for injecting material into a geothermal area to maintain pressures in a geothermal reservoir, pool, or other source, or to provide new material or to serve as a material medium therein, or for reinjecting any material medium or the residue thereof or any by-product of geothermal resource exploration or development into the earth.

(k) "Board" means the Idaho water resource board.

SECTION 15. That Section 42-4003, Idaho Code, be, and the same is hereby amended to read as follows:

42-4003. PERMITS -- APPLICATION -- FEE -- EXCEPTIONS. (a) Any person who, as owner or operator, proposes to construct a well or to alter a well or to construct or to alter an injection well shall first apply to the director for a geothermal resource well permit. Such application shall set out the following information on a form or forms prescribed by the department:

(1) The name of any person making the application; if such person is a partnership, joint-venture, association, or other unincorporated group of corporate or natural persons, the names and places of domicile of each of the constituent persons who have general partnership responsibility and authority for and in such unincorporated group of persons; if any person named on a permit application is a corporation, its place of domicile, the names and places of domicile of its principal executive officers, and the names and places of domicile of any person or persons owning a thirty percentum (30%) or greater interest, whether legal, beneficial, or a combined legal and beneficial interest, in such corpo-

rate person; if the applicant is making an application as an agent for any other person, it shall be clearly so stated and any person who is the applicant's principal shall be subject to each and all of the disclosure requirements of this subdivision; for purposes of this subdivision, the domicile of a corporation is at all of the following:

~~(a)~~. the place of incorporation,

~~(b)~~. the principal place of business,

~~(c)~~. the place, by city and state, of the home office, and in any instance where domicile is required to be disclosed all of these places shall be specified.

(2) The location of the proposed well; and/or the injection well described particularly by the quarter-quarter section according to the township and range system of the United States public lands survey.

(3) The length, size, type, and thickness of casing proposed to be used in such well and/or such injection well and any other devices or techniques to be used in the drilling, operation, and maintenance of such well and/or injection well for the purpose of conserving geothermal resources and their availability, avoiding waste and for the protection of other subsurface natural resources.

(4) The character and composition of the material expected to be derived from such well.

(5) The means proposed to be used to contain and manage the material expected to be derived from such well or injected into such injection well in order to avoid unreasonable damage to life, property, or surface and atmospheric natural resources.

(6) Whether such well or such injection well is proposed to be constructed as a part of a program for exploration or for development of an already explored geothermal resource area.

(7) Such other information as the director may determine to be necessary for the administration of this ~~act~~ chapter.

(b) Any application for a permit to construct a well which is made pursuant to this section, if the construction or operation of such well will involve the use of water, or if such well may be expected to yield water to be used, for any beneficial purpose, other than as a mineral source, an energy source, or otherwise as a material medium, shall be accompanied by an application to appropriate the public waters of this state in the form prescribed in chapter 2, title 42, Idaho Code, and by regulations adopted pursuant thereto, and such application to appropriate the public waters shall be governed in all respects by that chapter.

(c) Any application for a permit made pursuant to this section shall be accompanied by a filing fee of:

(1) One hundred dollars ($100) if for a well, or

(2) Fifty dollars ($50.00) for an injection well,

and no application shall be accepted and filed by the director until such filing fee has been deposited with him. All moneys received under provisions of this act shall be deposited with the state treasurer in the water administration fund as provided in section 42-238a, Idaho Code.

(d) No person shall construct or alter a well or an injection well without having first secured a permit therefor; provided however, that the director may, by general rule or regulation adopted pursuant to chapter 52, title 67, Idaho Code, exempt specific categories of wells or injection wells otherwise embraced by this act upon a finding that the purposes of this act do not require that such wells be subject to the permit requirement of this section.

(e) Nothing in this act shall be construed as affecting any valid, vested water rights for water in use on or before ~~January~~ July 1, 19872. ~~No--person-operating-or-proposing-to-operate-a-greenhouse,-hot-house,-swimming-pool,-hot-springs-bath,-or-hot-water--fish--propagation-facility,-space-heating-plant,-or-similar-facility,-unless-such operation-is-in-conjunction-with-geothermal-resource-use-not-specified in-this-subdivision:~~

~~(1)--shall--be-compelled-to-comply-with-any-of-the-permit-requirements-of-this-act-if-such-operation-was-in-existence-on-January-1,-1972,-and~~

~~(2)--shall-be-compelled-to-comply--with--the--geothermal--resource permit--requirements-under-this-act-if-such-person-obtains-a-valid water-right-permit-for-such-operation-and--provides--the--director with--such-data-as-he-may-require-for-the-proper-administration-of this-act.~~

(f) The director shall have the authority to and may designate any area of the state a "geothermal area" when the director finds or has reason to believe that such designation is necessary to protect the geothermal resource from waste and to protect other resources of the state from contamination or waste.

(g) No person shall drill a well for any purpose to a depth of three thousand (3,000) feet or more below land surface in a designated "geothermal area" without first obtaining a permit under the provisions of this section. Such permit shall be in addition to any permit required by other provisions of law.

(h) The owner of any well constructed or being constructed pursuant to section 47-320, Idaho Code, which encounters a geothermal resource, and who intends or desires to utilize such resource, shall make application for a geothermal permit as required under this section, provided however, that no additional filing fee shall be required.

(i) A geothermal resource shall be utilized primarily for its heat value. Usage of a geothermal resource primarily for some reason other than its heat value shall not be deemed a beneficial use of the resource.

SECTION 16. That Section 42-4005, Idaho Code, be, and the same is hereby amended to read as follows:

42-4005. PERMIT -- ISSUANCE -- BOND -- REVIEW -- APPEAL. (a) If the director ~~does-not~~ finds that the well or the injection well as ~~it is~~ proposed to be constructed or altered ~~will-be-against~~ is in the public interest, he shall issue a permit ~~therefor~~. The director may issue a permit substantially in accordance with the specifications on the application, or the director may limit the scope of the permit

granted or may issue a permit subject to conditions.

(b) If the director finds that the well or injection well as it is proposed to be constructed or altered in the application will not be in the public interest, he shall refuse to issue a permit. In no case shall the director issue a permit to construct or alter a well or injection well if he finds that use of the proposed well or injection well may be expected to unreasonably reduce the quality of any surface or ground waters below the quality which such waters would have had but for the proposed well.

(c) If the director refuses to issue a permit, or issues one subject to conditions or limitations, he shall issue a clear statement of his reasons for so refusing to issue or so issuing the limited permit. ~~Such reasons shall be stated with particularity and may include matters of fact and of law~~ The director shall issue a statement of findings of fact and conclusions of law that provide a factual and legal basis for the order. The refusal of the director to issue a permit, together with the clear statement of the reasons for refusing to issue the permit shall be served on the applicant by certified mail. A permit issued conditionally or subject to limitations shall, with the statement of reasons required under this subdivision, be served in the same manner as a refusal to issue a permit.

(d) An applicant ~~who has had~~ denied a permit ~~refusal~~ or issued a limited or conditional permit ~~served on him as provided in subdivision (c) of this section~~ may seek a public hearing before the water resource board. A certified transcript of the proceedings and the evidence received at such hearing shall be maintained by the board. The board shall affirm, modify or reject the director's decision, and make its decision in the form of an order to the director. The hearing shall be conducted in accordance with chapter 52, title 67, Idaho Code. Judicial review of the final determination by the board may be secured pursuant to sections 67-5215 and 67-5216, Idaho Code.

(e) The director shall not issue a permit if he finds that the operation of any well under a proposed permit will unreasonably decrease ground water available for prior water rights in any aquifer or other ground-water source for water for beneficial uses, other than uses as a mineral source, an energy source, or otherwise as a material medium, unless and until the applicant has also obtained a permit for the appropriation of ground waters under chapter 2, title 42, Idaho Code.

(f) The director shall require, as a condition of every permit, every person who engages in the construction, alteration, testing, or operation of a well to file with the director, on a form prescribed by the director, a bond indemnifying the state of Idaho providing good and sufficient security, conditioned upon the performance of the duties required by this ~~act~~ chapter and the proper abandonment of any well covered by such permit. ~~Such~~ The bond shall be in an amount ~~to be determined by the director, but in no case may the bond be in an amount which is~~ not less than ~~ten~~ five thousand dollars ($~~10~~5,000) ~~for each individual well~~ or more than one hundred thousand dollars ($100,000) as determined by the director based on the size and depth of the well, the complexity of the well, the resource to be recovered, the area of operation, and other relevant factors.

SECTION 17. That Section 42-4010, Idaho Code, be, and the same is hereby amended to read as follows:

42-4010. POWERS AND DUTIES -- PENALTIES. (a) The water resource board may adopt, amend, or rescind reasonable rules, regulations, and construction standards necessary to the administration of this ~~act~~ chapter in accordance with chapter 52, title 67, Idaho Code. ~~Regulations adopted pursuant hereto may be interpretative of provisions of this act.~~

(b) The board may require that owners or operators of wells or injection wells keep or cause to be kept well logs, core records, and drilling histories of such wells or injection wells. It may require that copies of such logs, records, and/or histories be filed with the director within a reasonable time after well completion. It may further require such other geologic, geochemical, or engineering plans, reports, or records as necessary for the administration of this act. Any reports, logs, records, or histories filed with the director shall not be available for public inspection and shall be kept as confidential by the director for a period of one (1) year from well completion, provided however, that the director may use any such reports, logs, records, or histories in any action in any court to enforce the provisions of this act or any order or regulation adopted hereunder.

(c) The director may enter onto private land at any time to inspect any well or geothermal resource development project to determine if such well or project is being constructed, operated, or maintained according to any applicable permits or to determine if the construction, operation, or maintenance of such well or project may involve a threat to life or property or an unreasonable risk to subsurface, surface, or atmospheric resources.

(d) If the director finds that any person is constructing, operating or maintaining any well or injection well not in accordance with any applicable permit or in a fashion so as to involve an unreasonable risk of, or so as to cause, damage to life or property or subsurface, surface, or atmospheric resources, the director may issue an order to such person to correct or to stop such practices as are found to be improper and to mitigate any injury of any sort caused by such practices.

(e) The director may enforce any provision of this ~~act~~ chapter or any order or regulation issued or adopted pursuant hereto by an appropriate action in the district court. The director may bring an action in the district court to have enjoined any threatened noncompliance with any provision of this ~~act or any order or regulation adopted pursuant hereto~~ chapter, regulations, or orders of the director, or any threatened harm to life, property, or surface, subsurface, or atmospheric resources which would be caused by such noncompliance. It shall be the duty of the attorney general to institute and prosecute civil enforcement actions or injunctive actions as provided in this chapter, and to prosecute actions or proceedings for the enforcement of any criminal provisions of this chapter. 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.

(f) Any willful violation of or failure to comply with any provision of this ~~act or, if such order or regulation has been served on such person or is otherwise known to him, any valid order or regulation issued or adopted hereto~~ chapter, or regulation adopted or order issued pursuant to the chapter, shall be a misdemeanor punishable by a fine of up to ~~five~~ ten thousand dollars ($~~5~~10,000) for each offense or a sentence of up to six (6) months in a county jail or both; each day of a continuing violation shall be a separate offense under this subdivision. A responsible or principal executive officer of any corporate person may be liable under this subdivision if such corporate person is not in compliance with any provision of this ~~act~~ chapter or with any valid order or regulation adopted pursuant hereto.

(g) The director shall undertake such studies, investigations, or research programs as necessary for the proper administration of this ~~act~~ chapter and in order to develop experience in and understanding of the entire field of geothermal resource exploration and development in both its technical and regulatory aspects. The director and board shall cooperate with other Idaho state agencies, the state institutions of higher learning, agencies of other states, and agencies of the federal government in the preparation of such investigations, studies, or research projects. The director and board may cooperate with ~~the state nuclear commission and~~ the scientists at the Idaho national ~~reactor testing station~~ engineering laboratory in their research, development, engineering and demonstration of geothermal projects.

(h) The director may enter into cooperative agreements and memoranda of understanding with agencies of other states for the purpose of the administration of geothermal areas which are partially in Idaho and partially in one or more other states.

Approved April 6, 1987.

CHAPTER 348
(S.B. No. 1155)

AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1330, IDAHO CODE, TO DECREASE THE ACTUARIAL FUNDING PERIOD.

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 thirty~~-five~~ (35~~0~~) years starting ~~January~~ July 1, 198~~7~~8, and ~~thirty~~ twenty-five (3~~0~~25) years starting ~~January~~ July 1, 199~~2~~3, 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.

Approved April 6, 1987.

CHAPTER 349
(S.B. No. 1169, As Amended)

AN ACT

RELATING TO THE CREATION OF GROUND WATER MANAGEMENT DISTRICTS; AMENDING TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 51, TITLE 42, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE PROCEDURES FOR FORMATION OF A GROUND WATER MANAGEMENT DISTRICT, TO PROVIDE FOR FORMATION OF A DISTRICT AND A DECLARATION BY THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES, TO PROVIDE FOR A BOARD OF DIRECTORS OF THE DISTRICT BY APPOINTMENT AND BY ELECTION, TO PROVIDE FOR CITIES BEING INCLUDED IN THE DISTRICT AND A CITY'S MANNER OF VOTING FOR DIRECTORS, TO PROVIDE QUALIFICATIONS OF VOTING FOR WATER USERS OTHER THAN CITIES, TO PROVIDE REGISTRATION REQUIREMENTS FOR VOTING, TO PROVIDE NOTICE OF ELECTION, TO PROVIDE CONDUCT OF THE ELECTION, TO PROVIDE FOR A CANVASS OF ELECTION RETURNS AND A DECLARATION OF WINNERS, TO PROVIDE ORGANIZATION OF THE BOARD OF DIRECTORS OF A GROUND WATER MANAGEMENT DISTRICT, TO PROVIDE POWERS AND DUTIES OF THE BOARD OF DIRECTORS, TO PROVIDE FOR LEVY OF ASSESSMENTS, TO PROVIDE THE POWER OF THE BOARD TO INCUR INDEBTEDNESS AND TO PROVIDE THAT ASSESSMENTS SHALL SECURE REPAYMENT, TO REQUIRE AN ELECTION FOR INDEBTEDNESS AND TO PROVIDE FOR A REFERENDUM PETITION, TO PROVIDE FOR JUDICIAL EXAMINATION, TO PROVIDE JUDICIAL PROCEEDINGS TO TEST VALIDITY, TO PROVIDE A TAX EXEMPTION, TO PROVIDE LIBERAL CONSTRUCTION, TO PROVIDE REMEDIES FOR LENDING INSTITUTIONS, TO PROVIDE A LIEN OF ASSESSMENT, TO PRO-

VIDE FOR PAYMENT OF ASSESSMENTS, DELINQUENCIES, INTEREST AND PENALTIES, TO PROVIDE FOR ENTRY OF DELINQUENT ASSESSMENTS AND FILING OF THE DELINQUENCY LIST, TO PROVIDE FOR REDEMPTION AND SALE OF PROPERTY SUBJECT TO DELINQUENT ASSESSMENTS, TO PROVIDE WATER USERS SUBJECT TO INCLUSION WITHIN THE DISTRICT, TO PROVIDE GROUNDS AND PROCEDURES FOR EXCLUSION FROM THE DISTRICT, TO PROVIDE A HEARING, NOTICE AND ENTRY OR ORDER ON A PETITION FOR EXCLUSION, TO PROVIDE AN APPEAL, TO PROVIDE THE EFFECT OF EXCLUSION ON LIABILITY FOR ASSESSMENTS, TO PROVIDE FOR COSTS, TO PROVIDE FOR RECORDING OF THE DECISION AND ORDER OF EXCLUSION AND PROVIDING SEVERABILITY.

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

SECTION 1. That Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 51, Title 42, Idaho Code, and to read as follows:

CHAPTER 51
GROUND WATER MANAGEMENT DISTRICTS

42-5101. LEGISLATIVE INTENT. The legislature hereby declares that the welfare of the people of Idaho is dependent upon the effective management of the ground water resources of this state. The legislature further declares that a need exists for the creation of special districts to provide for financing of repair or abandonment of wells in aquifers which have experienced or are experiencing declines in water level or water pressures because of flow, leakage, and waste from improper construction, maintenance and operation of wells drilled into the aquifer. Creation of these special districts may be initiated upon petition submitted by those owning the rights to use the ground water from any aquifers or parts of an aquifer that has been designated as a critical ground water area pursuant to section 42-233a, Idaho Code, or as a ground water management area pursuant to section 42-233b, Idaho Code.

42-5102. GROUND WATER MANAGEMENT DISTRICT FORMATION. For purposes of formation of a ground water management district, a petition shall be presented to the department of water resources which shall set forth the object of the organization of the district and the benefits to be provided by the district. The petition shall be accompanied by a map of the proposed district which shall indicate the proposed boundaries of the district, which shall include territory only within the boundaries of a critical ground water area or ground water management area designated by the director of the department of water resources.

The petition shall be signed by no less than fifty percent (50%), measured by the quantities of their various water rights, of the water users located within the proposed boundaries of the district. For purposes of this chapter, "water users" shall include the following:

(1) Individuals, or entities, who are the current holders of a right, acquired in accordance with the provisions of chapter 2, title 42, Idaho Code, or chapter 14, title 42, Idaho Code, to appropriate water and to divert water from the aquifer by means of a well or

wells, or who divert water from springs or other water courses emerging from such aquifer, or both.

(2) Cities which obtain water from the aquifer. A city may elect to be included within the proposed district by a majority vote of the members of its city council. The mayor of any city so electing may sign the petition on behalf of the city, and such city shall constitute one (1) water user for purposes of securing the minimum number of signatures required for the petition.

(3) Federal, state, or county government agencies which obtain water from the aquifer.

42-5103. FORMATION OF DISTRICT -- DECLARATION BY DIRECTOR. After receipt of the petition and map, the director shall review and examine the same and may require the submission of such additional or revised data concerning the boundaries of the proposed district, the costs of repairs or abandonment of improperly constructed wells or any other matter relevant to the formation of the district as he may deem necessary. The director shall conduct a hearing on the petition and supporting documents. Notice of the time and place of the hearing shall be published by the director in a newspaper or newspapers published in each of the counties or a newspaper of general circulation therein at least three (3) weeks before the date of the hearing.

Within ninety (90) days after the hearing has been concluded, the director after due consideration of all relevant data and testimony shall determine whether the proposed district will provide the benefits described, whether the boundaries proposed are proper with respect to the benefits to be provided, and whether the formation of the district will serve the interest of the water users proposed to be benefited. On the basis of his determination, the director shall enter an order either establishing the ground water management district and defining the the boundaries thereof to reflect the area to be benefited or denying the formation of the district. If the director orders formation of the district, he shall cause copies of the order, duly certified, to be filed with the secretary of the state and board of county commissioners, county recorder, county assessor and county treasurer of each county in which any part of the district is situated.

42-5104. BOARD OF DIRECTORS -- COMPOSITION -- APPOINTMENT OF FIRST BOARD -- ELECTION OF SUBSEQUENT BOARDS. (1) The board of directors of the ground water management district shall consist of three (3) members. Each member shall be a water user, or representative of a water user within the district.

(2) The first board of directors shall be appointed by the director of the department of water resources. Water users within the district, or groups thereof, may submit to the director, or the director may solicit therefrom, the names of qualified individuals to be considered for appointment to the board.

(3) The term of office of the directors shall be determined by lot so that one (1) member shall serve for a term of three (3) years, one (1) member shall serve for a term of two (2) years, and one (1) member shall serve for a term of one (1) year. Thereafter, members

shall serve a three (3) year term and shall be elected as hereinafter provided. If a vacancy occurs, the director shall appoint a successor to serve the remainder of the term.

(4) On the last Monday in March following the expiration of the term of the member serving for one (1) year, and on the last Monday in March of each year thereafter, an election shall be held at which a director to succeed the one whose term has expired will be elected. Each director so elected shall be a water user or a representative of a water user within the district.

42-5105. CITIES -- MANNER OF VOTING FOR DIRECTORS. Each city which has elected to be and is included within the district shall be entitled to one (1) vote and the vote of the majority of the members of the city council of each such city shall constitute the vote of the city. The voting shall be conducted at a regular meeting of the city council or a special meeting called by the mayor for that purpose to be held on or within a week prior to the date set for election. The voting results shall be certified to by the mayor and forwarded to the secretary of the district prior to the date set for canvassing of election returns by the board of directors. The provisions of section 42-5107, Idaho Code, shall not apply to cities or other government agencies.

42-5106. WATER USERS OTHER THAN CITIES -- QUALIFICATIONS FOR VOTING. Any water user, as defined in subsection (1) of section 42-5102, Idaho Code, or a representative thereof, within the district who possesses the qualifications required of electors under the general laws of the state shall be entitled to vote at any election held under the provisions of this chapter. A representative of a water user shall be so designated by written proxy signed by the water user except that the vote of a federal, state, or county government may be cast by an elected or appointed official of the agency, or his designee.

42-5107. REGISTRATION NOT REQUIRED. No registration shall be required of qualified electors, as defined in section 42-4206, Idaho Code, in any election held in the ground water management district, but in lieu thereof the judges of election shall require every such elector to subscribe to an elector's oath as prerequisite to casting his vote, which oath shall contain the following words: "I am a resident of ..... county, and a water user, as defined in subsection (1) of section 42-5102, Idaho Code, or a representative of such water user, within the district.".

42-5108. NOTICE OF ELECTION. The secretary of the district shall give notice of all elections in the district by posting the same in three (3) public places in each county in which a part of the district is situated and in the office of the board of directors at least four (4) weeks before the day of such election, or by publication of the notice once a week for four (4) successive weeks in a newspaper or newspapers published in each of said counties or in a newspaper of general circulation therein. Notices shall state the time of the elec-

tion and the location of polling places within the district and the directors to be elected or other question to be voted upon, as the case may be.

42-5109. CONDUCT OF ELECTIONS. The election shall be conducted as nearly as practicable in accordance with the general laws of the state; provided that no particular form of ballot shall be required and the provisions of the election laws as to the form and distribution of ballots shall not apply.

The board of directors shall designate polling places in such number as it may deem necessary. At least ten (10) days before the holding of any election, the board shall appoint three (3) electors to serve as judges of election at each polling place. The judges shall perform the same duties as near as may be, as judges of election under the general laws of the state. Immediately after the election, the judges of election shall forward the official results to the secretary of the district.

42-5110. CANVASS OF RETURNS -- DECLARATION OF WINNERS. On the first Monday after each election, or at a time designated by the board of directors, the board shall meet at its usual place of meeting and proceed to canvass the returns. By order entered on its minutes, the board shall declare elected the person or persons having the highest number of votes for each office.

42-5111. BOARD OF DIRECTORS -- OFFICERS -- MEETINGS -- COMPENSATION -- VACANCIES. (1) The board of directors annually shall elect a chairman from their number and shall appoint a secretary and a treasurer to hold office at the pleasure of the board. The treasurer shall on his appointment execute and file with the secretary an official bond in such amount as may be fixed by the board of directors, and shall thereafter from time to time execute and file such further bonds as may be required by the board in amounts fixed by it, which amounts shall be at least fifty percent (50%) of the maximum probable amount of money in the treasurer's hands at any one (1) time. All such official bonds shall be executed by a lawfully qualified surety company.

(2) The board of directors shall hold a regular annual meeting and may hold such special meetings as may be necessary for the proper transaction of business. Special meetings may be held on seventy-two (72) hours' notice of the chairman or a majority of the members. A majority shall constitute a quorum for the transaction of business and the concurrence of a majority of the members shall be necessary to constitute the action of the board. All meetings of the board shall be public and all records of the board shall be open to the inspection of any member water user, or representative thereof during business hours.

(3) The members of the board shall each receive not more than twenty-five dollars ($25.00) nor less than five dollars ($5.00) per day for each day spent attending the meetings or while engaged in official business of the board, and actual and necessary travel expenses. The term "actual and necessary expenses" shall include all

traveling and lodging expenses necessarily incurred by any director when absent from his residence in the performance of the duties of his office. The board shall fix the compensation to be paid to the other officers of the district.

(4) In case of a vacancy in the office of director occurring otherwise than by the expiration of a term, the remaining members of the board of directors shall fill such vacancy by appointing thereto a qualified water user, member of the district, or representative thereof, possessing the qualifications of the director whose office has become vacant to serve the remainder of the term.

42-5112. POWERS AND DUTIES OF BOARD OF DIRECTORS. The board shall have the following powers and duties:

(1) To manage and conduct the business and affairs of the district;

(2) To employ and appoint such agents, officers and employees as may be required to perform the duties as set out in this chapter and prescribe their duties;

(3) To incur indebtedness, for the purpose of financing repair or abandonment of wells in the district, the term of which shall not exceed ten (10) years, by contract with a money-lending institution, including the Idaho water resource board;

(4) To levy assessments for the retirement of indebtedness incurred for purposes of financing repair or abandonment of wells in the district and for the cost of operating the district, including participating in state and/or federal aquifer monitoring programs;

(5) To contract with owners of wells in the district which require repair or abandonment as ordered by the director of the Idaho department of water resources to effectuate repair or abandonment of such wells. The contracts may include financial participation in repair or abandonment, as necessary, to meet minimum well construction standards adopted by the Idaho water resource board, as follows:

(a) Repair of wells which owners intend to continue to use: grants of up to fifty percent (50%) of total cost of repair; loans at interest rates and terms determined by the board of directors of up to one hundred percent (100%) of total cost of repair;

(b) Abandonment of wells which owners do not intend to continue to use: grants or loans of up to one hundred percent (100%) of total cost; total cost of repair or abandonment includes all costs, including technical evaluation, design and inspections;

(6) To contract with the director of the department of water resources to evaluate proposed contracts with well owners to evaluate the repairs or other work proposed and the costs of the proposed work;

(7) To adopt rules and regulations, in accordance with the administrative procedure act, chapter 52, title 67, Idaho Code, for determining the percentage of the total repair or abandonment cost that the district will grant or loan, the maximum amounts of grants and loans and their terms, a procedure for determining which water users will be given the financial assistance offered by the district, and a limitation on the total indebtedness of the district. For the purposes of chapter 52, title 67, Idaho Code, the district shall be considered an agency. Among the factors to be considered by the board of directors

in the adopted rules shall be the following:

(a) Characteristics of the well to be repaired or abandoned; i.e. location, depth, diameter, depth to water or water pressure in the well, rate of leakage above and below land surface, and the purpose of the well;

(b) Financial ability of the owner;

(c) Estimated relative impact of the repair or abandonment on water levels or pressures in the aquifer and in surrounding wells;

(d) Total number and estimated total cost of repairs to be made in the district as compared to the repayment capability from allowable annual assessments to be collected by the district; and

(e) Orders and recommendations of the director of the Idaho department of water resources;

(8) To accept gifts and grants in furtherance of the purposes of this chapter;

(9) To enter upon any land to make inventories, surveys, and monitoring or construction inspections in furtherance of the purposes of this chapter;

(10) To do any and every lawful act necessary to be done that the provisions of this chapter may be carried out;

(11) At such intervals as the director of the department of water resources shall establish, the board of directors shall report to the director, in the form and manner prescribed by him, concerning the operations of the district;

(12) The board of directors annually shall submit to the director of the department of water resources a financial report setting forth the financial condition of the district. The report shall be in the form prescribed by the director and shall specify the amount of the assessments levied by the district for the year, the outstanding obligations of the district, and such other information as the director may require. The director shall have the authority to conduct an audit of the financial transactions and operations of the district.

42-5113. LEVY OF ASSESSMENTS. The secretary of the board of directors shall be the assessor of the district, and on or before August 1 of each year shall prepare an assessment book containing a full and accurate list of all water users within the district.

At a regular meeting of the board between August 1 and November 1 of each year, the board of directors shall determine the amount necessary to be raised for payment of the annual payment on any and all indebtedness of the district for the following year. Money received in payment of such assessments shall be deposited in a separate fund to be known as the debt retirement fund. The board of directors may, in addition, determine the amount necessary to pay the expenses of making the assessment book, giving notice of assessments and making collections thereof and for the cost of contracts with state or federal agencies for monitoring programs, or evaluation of proposed contracts, and may levy assessments against the water users in the district sufficient to raise such amount. Money received in payment of such assessments shall be deposited in a separate fund to be known as the operating expense fund.

Each water user shall pay a proportionate share of the total of

all amounts to be raised for the purposes aforementioned, which share shall be based on the ratio which the quantity of water such water user is authorized to appropriate under his water right or rights bears to the total quantity of water authorized for appropriation under the water rights of all water users in the district; provided, however, that the combined annual assessment against each water user shall not exceed one hundred dollars ($100) per second foot of water the water user is entitled to appropriate under his water right or rights, except, that the district may establish a ten dollar ($10.00) minimum assessment for any water user.

42-5114. POWER TO INCUR INDEBTEDNESS -- ASSESSMENTS TO SECURE REPAYMENT. In order to secure funds for the repair or abandonment of wells in the district, the board of directors may, by resolution duly adopted and entered upon the minutes, incur indebtedness by contract with a money-lending institution; provided, however, that the term of such indebtedness shall not exceed ten (10) years. To secure the repayment of any indebtedness so incurred, the board shall levy assessments over the term of the indebtedness in amounts sufficient to repay the interest and principal as it falls due. Such assessments shall be levied in the manner and shall be subject to the limitations set forth in section 42-5113, Idaho Code, and may only be levied if the indebtedness has been approved at the election contained in sections 42-5115 through 42-5119, Idaho Code.

42-5115. ELECTION FOR INDEBTEDNESS -- REFERENDUM PETITION. Whenever the board shall by resolution adopted by a two-thirds (2/3) majority of the said board, determine that the interest of said district and the public interest or necessity demand the reconstruction, rehabilitation, replacement and improvement of any well or other related structures and works together with all necessary appurtenances related thereto, in order to preserve, restore, protect and maintain rights of storage, diversion and delivery of water necessary and appurtenant to the purposes for which such district and other like similarly situated districts were organized and shall set forth the amount of obligation or contract indebtedness proposed to be issued by the district under the provisions of this chapter, said board shall be required to order the submission of the proposition of issuing such contract indebtedness for the purposes set forth in said resolution to the vote of the qualified electors of the district as defined in section 42-5107, Idaho Code, at an election to be held for that purpose only if within fifteen (15) days after the passage of such resolution a referendum petition signed by legal voters equal in number to not less than ten per cent (10%) of the electors of the district, based upon the aggregate vote cast at the general election of officers of the district next preceding the filing of such referendum petition, shall be filed with the secretary of the district requesting that an election upon the issuance of such contract indebtedness be held and conducted under the provisions of this section. Any election required to be held pursuant to a referendum petition filed in accordance with this section for the purpose of submitting any proposition or propositions of incurring such obligation or indebtedness may be held sepa-

rately, or may be consolidated or held concurrently with any other election authorized by law. The resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the reconstruction, rehabilitation, replacement or improvement as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the sources of the revenues and assessments pledged to the payment of the indebtedness. The separate election upon the assessments, shall be held at the same time as and shall be combined with any such election required to be held upon the indebtedness question pursuant to a referendum petition.

Any such election required to be held hereunder shall be called by resolution, which resolution shall also fix the date upon which such election shall be held, the manner of holding the same and the method of voting for or against the incurring of the indebtedness. Such resolution shall also fix the compensation to be paid the officers of the election and shall designate the precincts and polling places and shall appoint for each polling place, from each precinct from the electors thereof, the officers of such election, which officers shall consist of three (3) judges, one (1) of whom shall act as clerk, who shall constitute a board of election for each polling place. The description of precincts may be made by reference to any order or orders of the board of county commissioners of the county or counties in which the district or any part thereof is situated, or by reference to any previous order, or resolution of the board or by detailed description of such precincts. Precincts established by the boards of the various counties may be consolidated for special elections held hereunder. In the event any such election shall be called to be held concurrently with any other election or shall be consolidated therewith, the resolution calling the election hereunder need not designate precincts or polling places or the names of officers of election, but shall contain reference to the act or order calling such other election and fixing the precincts and polling places and appointing election officers therefrom. The resolution calling the election shall prescribe an official notice of election, which notice shall be published once a week for two (2) consecutive weeks, the last publication of which shall be at least ten (10) days prior to the date set for said election, in a newspaper of general circulation printed and published within the district, and no other or further notice of such election or publication of the names of election officers or of the precincts or polling places need be given or made.

The respective election boards shall conduct the election in their respective precincts in the manner prescribed by law for the holding of district elections to the extent the same shall apply and shall make their returns to the secretary of the district. At any regular or special meeting of the board held not earlier than five (5) days following the date of such election, the returns thereof shall be canvassed and the results thereof declared.

In the event that no referendum petition is filed, or if so filed, if it shall appear from said returns that a two-thirds (2/3) majority of the qualified electors of the district who shall have voted on any proposition submitted hereunder at such election voted in favor of

such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, or enter into such contracts, all for the purpose or purposes and object or objects provided for in the proposition submitted hereunder or in the resolution therefor, and in the amount so provided. Submission of the proposition of incurring such obligation or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at subsequent election or elections called for such purpose.

42-5116. JUDICIAL EXAMINATION. Prior to the incurring of indebtedness, the board shall file a petition in the district court of the county in which the office of the board is located, pursuant to the provisions of sections 43-406 to 43-408, inclusive, Idaho Code, as if the district were an irrigation district. Whenever any district which is required to file a petition hereunder has or proposes to enter into a contract or contracts with one or more districts pursuant to law, and such other district or districts is authorized or required to bring a confirmation proceeding or proceedings pursuant to the provisions of section 43-406 or of section 43-1808, Idaho Code, with respect to such contracts or the levy of assessments or the apportionment of costs, the boards of each of such other districts shall join in the filing of such petition, and the district court in which such petition is filed shall have jurisdiction to hear the petition and to grant the relief prayed for therein. Each such petition shall pray for a judicial examination and determination of any power conferred hereby or by any amendment hereto or of any assessment levied or of any apportionment of costs or of any act, proceeding or contract of the district or districts, whether or not said contracts shall have been executed, including proposed contracts for the reconstruction, rehabilitation, replacement and improvement of any such well and other related structures and works and appurtenances, falling water contracts, contracts with other districts and contracts with other public and private persons, firms, corporations and associations. Such petition shall set forth the facts whereon the validity of such powers, assessments, apportionments, acts, proceedings or contracts is founded. Notice of the filing of said petition shall be given by the clerk of the court by mailing, and by publication in at least one (1) newspaper published and of general circulation within the boundaries of each district joining in the petition, or if no newspaper is so published within any district, then in a newspaper published in the same county in which any part of such district is located which is of general circulation in such district, pursuant to and in accordance with the requirements of section 43-407, Idaho Code, as if the district were an irrigation district under the seal thereof, stating in brief outline the contents of the petition and showing where a full copy of any contract or contracts, therein mentioned, may be examined.

Any water user as defined in section 42-5102, Idaho Code, in any district joining in the petition or any other person interested in the contracts or proposed contracts may appear and answer said petition at any time prior to the date fixed for said hearing or within such further time as may be allowed by the court; and the petition shall be taken as confessed by all persons who fail so to appear. The said

petition and notice shall be sufficient to give the court jurisdiction and, upon hearing, the court shall examine into and determine all matters and things affecting the question submitted, shall examine all of the proceedings of all of the districts as set forth in the petition, shall hear all objections either filed in said proceeding or brought up from the hearings before any of the boards, shall correct all errors in the assessments and apportionments of costs, shall ratify, approve and confirm all apportionments of costs and assessments levied, shall make such findings with reference thereto and render a judgment and decree thereon approving and confirming all of the powers, assessments, apportionments, acts, proceedings and contracts of each of the districts as set forth in the petition as the case warrants. Costs may be divided or apportioned among the contesting parties in the discretion of the trial court. Review of the judgment of the court may be had as in other similar cases, except that such review must be applied for within thirty (30) days after the time of the rendition of such judgment, or within such additional time as may be allowed by the court within thirty (30) days. The Idaho Rules of Civil Procedure shall govern in matters of pleading and practice where not otherwise specified herein. The court shall disregard any error, irregularity or omission which does not affect the substantial rights of the parties. Except as provided herein, the provisions of sections 43-406 through 43-408, Idaho Code, shall apply to the proceeding herein authorized as though the ground water management district were an irrigation district.

42-5117. JUDICIAL PROCEEDINGS TO TEST VALIDITY. In the event that any official required to participate in any act leading to the calling or holding of the required election or the execution of any required contract shall refuse to perform such act alleging as his reason illegality of the proposed election or the proposed contract, the board may institute judicial proceedings to compel such steps to be taken and legality of the election or the contract to be determined. All cases in which there may arise a question of the validity of any proceeding under this act shall be advanced as a matter of immediate public interest and concern, and heard at the earliest practicable moment. The courts shall be open at all times for the purposes of this act.

42-5118. TAX EXEMPTION. Interim notes, and the interest thereon, issued pursuant to the authority contained in this chapter shall be exempt from taxation under the Idaho income tax law.

42-5119. LIBERAL CONSTRUCTION. Any restrictions, limitations or regulations relative to the execution of such contracts pursuant to the authority herein contained in any other act shall not apply to the execution of such contracts pursuant to the authority herein contained. Any act inconsistent herewith shall be deemed modified to conform with the provisions of this chapter for the purpose of this chapter only. This chapter being necessary to secure and preserve the public health, safety, convenience and welfare, and for the security of public and private property, it shall be liberally construed to

effect the purposes of this chapter.

42-5120. LENDING INSTITUTIONS -- RIGHT TO COMPEL ASSESSMENTS -- ALTERNATIVE REMEDY. If in any year the board of directors fails to levy assessments for the repayment of indebtedness in amounts sufficient to meet a payment or payments falling due, the lender may bring an action in the district court of any county in which the district is situated to compel the board to levy assessments in amounts sufficient to insure the payment thereof; provided, however, that the board may not be compelled to increase assessments for the repayment of indebtedness if the maximum annual assessment limitation specified in section 42-5113, Idaho Code, will be exceeded thereby. In the event that the maximum annual assessment limitation has been reached and the assessments for repayment of indebtedness nevertheless will be insufficient to meet a payment or payments falling due, the lender may, in the alternative, seek an order requiring that moneys received by the district in payment of assessments for all purposes be first expended for the repayment of that portion of the indebtedness falling due.

42-5121. LIEN OF ASSESSMENT. From and after January 1 of any year, all assessments, other than those levied against municipalities, shall be liens against the property of water users to which the water rights used to determine assessments are appurtenant. Such liens shall not be removed until the assessments are paid or the property is sold for the payment thereof.

42-5122. PAYMENT OF ASSESSMENTS -- WHEN DELINQUENT -- INTEREST AND PENALTIES. Assessments shall be due and payable on or before December 31 of each year. On or before the first day of December, the treasurer of the district shall publish a notice for a period of not less than two (2) weeks in a newspaper published or having general circulation in each of the counties in which any part of the district is situated setting forth the date by which assessments must be paid and the times and places at which payment may be made. The treasurer of the district shall mail by regular mail a billing to each water user. The billing shall be mailed on or before the first day of December.

Assessments unpaid on December 31 shall be delinquent and shall bear interest at the rate of fifteen percent (15%) per annum until paid. Delinquent assessments, in addition, shall be subject to a penalty in the amount of fifteen dollars ($15.00) per delinquent assessment.

The maximum annual assessment limitation specified in section 42-5113, Idaho Code, shall apply only to the amount of the assessment itself, and the interest and penalty herein prescribed shall be collectible along with the amount of the delinquent assessment, notwithstanding that the assessment itself is at the maximum specified in that section.

42-5123. ENTRY OF DELINQUENT ASSESSMENTS -- FILING OF DELINQUENCY LIST. On or before the 15th day of January of each year the treasurer shall enter the amount of all delinquent assessments upon the assess-

ment book, which entry shall be considered to be dated as of the first day of January. Such entry shall have the force and effect of a sale to the treasurer of the district as grantee in trust for the district of all property to which a lien has attached as a result of such unpaid assessments.

The treasurer shall compile a list of such delinquency entries which shall contain the names of the persons or entities to whom the assessments were directed and the amount of such delinquent assessments together with the amount of the penalties to be added thereto. A certified copy of the delinquency list shall be filed with the county recorder of each county in which the properties affected by such delinquent assessments are located, and the treasurer shall then provide by certified mail a notice of delinquency to each water user having a delinquent assessment.

42-5124. REDEMPTION AND SALE OF PROPERTY SUBJECT TO DELINQUENT ASSESSMENTS. The manner in which property subject to a lien for nonpayment of assessments may be redeemed, and if not redeemed, shall be sold as provided in sections 43-712, 43-715 through 43-721, 43-724 and 43-726, Idaho Code, to the extent that the provisions thereof are in keeping with the provisions of this chapter.

42-5125. WATER USERS SUBJECT TO INCLUSION WITHIN THE DISTRICT. (1) all water users, as defined in subsection (1) of section 42-5102, Idaho Code, included within the district and who have not obtained exclusion as hereinafter provided, shall remain within and be subject to assessment by the district, notwithstanding the absence of their signatures on the petition for formation of the district, and notwithstanding any change in the ownership or control of the property of the water user, whether by way of transfer, exchange, conveyance, assignment, lease, or otherwise, to which the water right or rights used to determine assessments are appurtenant. Municipal water users, as defined in subsection (2) of section 42-5102, Idaho Code, included within the district shall remain upon their election, within and be subject to assessment by the district unless excluded in the manner hereinafter provided.

(2) Any water user, as defined in subsection (1) of section 42-5102, Idaho Code, who has obtained exclusion from the district, but who nevertheless is benefited by the district, shall remain excluded; provided, however, that any person or entity succeeding the water user in the ownership or control of property, whether by way of transfer, exchange, conveyance, assignment, lease, or otherwise, to which is appurtenant a water right that, barring the exclusion, would have been used to determine assessments, shall be deemed included within and subject to assessment by the district.

(3) Any individual or entity whose permit to appropriate water was acquired after the formation of the district but who qualifies as a water user under subsection (1) of section 42-5102, Idaho Code, in all other respects, shall be deemed included within and subject to assessment by the district if benefited either directly or indirectly by the district.

42-5126. EXCLUSION FROM THE DISTRICT -- PROCEDURE -- GROUNDS FOR EXCLUSION. (1) After the formation of the district, any water user included within the district may file with the board of directors a petition in writing, praying for exclusion from the district. All water users seeking exclusion as are united in interest or to which the same state of facts apply may unite in the same petition. The grounds for exclusion and the time limitations for filing any petition hereunder shall be as follows:

(a) The water user will not be benefited by the functioning of the district. A petition alleging this ground for exclusion must be filed within ninety (90) days after the adoption of a resolution to incur indebtedness as authorized in section 42-5114, Idaho Code. Any such petition filed after the ninety (90) day period has elapsed shall not be accepted or considered, except upon a showing of good cause for the delay.

(b) The water user has not benefited by the functioning of the district. A petition alleging this ground for exclusion shall be filed no earlier than five (5) years after the adoption of a resolution to incur indebtedness as authorized in section 42-5114, Idaho Code.

(c) A petition alleging either of the foregoing grounds for exclusion shall be acknowledged by all the petitioners and shall state in detail the reasons why it is claimed that the petitioners should be excluded from the district.

(2) Immediately after the formal appointment, the board of directors shall cause notice of the deadline for filing petitions under the provisions of subsection (1) of this section and a copy of the order of formation of the district and a map indicating the boundaries of the district to be posted in three (3) public places in each county in which a part of the district is situated. In addition, the board shall publish notice of the deadline and the locations at which the order of formation and map of the district may be inspected for at least four (4) successive weeks in a newspaper published or having general circulation in each of the counties in which any part of the district is situated.

42-5127. HEARING -- NOTICE -- ENTRY OF ORDER. (1) The petition shall be heard by the board of directors within sixty (60) days of filing of the petition and if no hearing is held within that time the petitioner or petitioners shall be deemed excluded from the district. If, prior to the date set for the hearing, the board issues an order excluding the petitioner or petitioners, no hearing need be held. The board shall give each petitioner notice of the time and place of the hearing in writing not less than fifteen (15) days prior to the hearing. It shall be sufficient to mail such notice by certified or registered mail to each petitioner's mailing address as indicated on the petition.

(2) At the hearing, if any, the petitioner or petitioners must establish by competent evidence the allegations of the petition. The chairman of the board is hereby empowered to administer oaths for the purpose of the hearing. If the allegations of the petition are established the board shall enter an order excluding the petitioner or

petitioners, or any of them, from the district, which order shall reflect the nature of any outstanding and/or continuing liabilities to which the petitioner so excluded shall remain subject under the provisions of section 42-5129, Idaho Code.

42-5128. APPEAL. An appeal shall lie from a decision of the board of directors denying the petition or any part thereof to the district court of the county where the water user or water users are located. The appeal shall be taken in the same manner as appeals are taken from the board of county commissioners. If the district court excludes the water user or water users, or any of them, the time of exclusion shall date from the time of the hearing before the board of directors. The order of the district court excluding a water user or water users shall reflect the nature of any outstanding and/or continuing liabilities to which each water user so excluded shall remain subject under the provisions of section 42-5129, Idaho Code.

42-5129. EFFECT OF EXCLUSION ON LIABILITY FOR ASSESSMENTS. Any water user excluded from the district on the grounds specified in subsection (1) of section 42-5126, Idaho Code, shall not be subject to assessment by the district for any purpose. Any water user excluded from the district on the grounds specified in subsection (2) of section 42-5126, Idaho Code, shall not be subject to assessment for operation of the district or for assessment expenses after the entry of the order of exclusion, or in case of appeal, the effective date of exclusion, but shall remain subject to the following liabilities until discharged:

(1) Such excluded water user shall remain liable for payment of assessments previously levied and unpaid at the time of the entry of the order of exclusion, or in case of appeal, the effective date of exclusion.

(2) Such excluded water user, notwithstanding his exclusion, shall remain liable to pay his proportionate share, such share to be computed as specified in section 42-5113, Idaho Code, of any indebtedness of the district already incurred and outstanding at the time of the entry of the order of exclusion, or in case of appeal, the effective date of exclusion, but such water user shall not be liable upon any indebtedness incurred thereafter.

Any water user, as defined in section 42-5102, Idaho Code, who, after exclusion, remains subject to either or both of the liabilities specified herein shall, in addition, remain subject to the provisions of sections 42-5121, 42-5122, 42-5123 and 42-5124, Idaho Code, until such liabilities have been discharged.

Upon the discharge of any liability, the district shall issue to the water user its certificate of full payment executed by the chairman of the board and the secretary of the district, and acknowledged so that the certificate may be recorded in the records of the county wherein the property of the water user affected by such liability and the discharge thereof is situated.

42-5130. COSTS. On appeal, costs shall be taxed as in other civil cases. Costs of recording the order of exclusion shall be borne by

petitioners when the order is entered by the board of directors and by the ground water management district when entered by the district court.

42-5131. EXCLUSION TO BE RECORDED. The decision and order of the board of directors, or of the district court in case of appeal, excluding the petitioner or petitioners from the district shall be filed for record in the recorder's office of the counties within which the district is situated.

42-5132. SEVERABILITY. The provisions of this act are hereby declared to be severable and if any provision of this act or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of remaining portions of this act.

Approved April 6, 1987.

CHAPTER 350
(S.B. No. 1180, As Amended in the House)

AN ACT
RELATING TO BIDDER PREFERENCES; AMENDING SECTION 67-2349, IDAHO CODE, TO PROVIDE A DEFINITION.

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

SECTION 1. That Section 67-2349, Idaho Code, be, and the same is hereby amended to read as follows:

67-2349. PREFERENCE FOR IDAHO SUPPLIERS FOR PURCHASES. To the extent permitted by federal laws and regulations, whenever the state of Idaho, or any department, division, bureau or agency thereof, or any city, county, school district, irrigation district, drainage district, sewer district, highway district, good road district, fire district, flood district, or other public body, shall let for bid any contract for purchase of any materials, supplies or equipment, the bidder domiciled outside the boundaries of Idaho shall be required, in order to be successful, to submit a bid the same percent less than the lowest bid submitted by a responsible bidder domiciled in Idaho as would be required for such an Idaho domiciled bidder to succeed over the bidder domiciled outside Idaho on a like contract being let in his domiciliary state.

For the purposes of this section, any bidder domiciled outside the boundaries of the state of Idaho may be considered as an Idaho domiciled bidder, provided that there exists for a period of one (1) year preceding the date of the bid a significant Idaho economic presence as defined herein. A significant economic presence shall consist of the following:

(a) That the bidder maintain in Idaho fully staffed offices, or fully staffed sales offices or divisions, or fully staffed sales out-

lets, or manufacturing facilities, or warehouses or other necessary related property; and

(b) If a corporation be registered and licensed to do business in the state of Idaho with the office of the secretary of state.

Approved April 6, 1987.

CHAPTER 351
(S.B. No. 1183, As Amended)

AN ACT

RELATING TO THE HOURS OF SALE OF BEER; AMENDING SECTION 23-1012, IDAHO CODE, TO PERMIT A PERSON TO SELL, DISPENSE OR GIVE AWAY BEER AFTER SIX O'CLOCK A.M., AND TO PROVIDE THAT THE LAWFUL HOURS FOR SALE OF BEER MAY BE EXTENDED TO TWO O'CLOCK A.M. BY A COUNTY.

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

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

23-1012. HOURS OF SALE. (1) It shall be unlawful and a misdemeanor for any person in any place licensed to sell beer or where beer is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, to sell, dispense or give away beer between the hours of one (1) o'clock A.M. and ~~seven~~ six (~~7~~6) o'clock A.M.

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

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

(4) A county may, however, extend, until two (2) o'clock A.M., the hours of the sale of beer.

Approved April 6, 1987.

CHAPTER 352
(S.B. No. 1185)

AN ACT

RELATING TO PERSONAL ELIGIBILITY CONDITIONS FOR UNEMPLOYMENT COMPENSATION BENEFITS; AMENDING SECTION 72-1366, IDAHO CODE, TO PROVIDE ADDITIONAL CONDITIONS TO ESTABLISH ELIGIBILITY FOR BENEFITS.

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, available for suitable work, and seeking work; provided, however, the director shall waive these provisions for each week he is attending training under provisions of section 72-1312(a), Idaho Code; and provided, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has filed a claim and registered for work and no suitable work has been available for him after the beginning of such illness or disability; and, provided further, that no claimant shall be deemed to be unavailable for the whole of the week who, because of compelling personal circumstance, is required to be absent from his normal market area, provided that such absence does not exceed a major portion of the week.

(e) His unemployment is not due to the fact that he left his employment voluntarily without good cause connected with his employment, 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 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 April 6, 1987.

CHAPTER 353
(S.B. No. 1190)

AN ACT

RELATING TO THE RECORDING OF TRANSFERS OF REAL PROPERTY; AMENDING CHAPTER 8, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION

55-818, IDAHO CODE, TO ALLOW THE RECORDING OF A SUMMARY OF AN INSTRUMENT UNDER CERTAIN CONDITIONS AND TO PROVIDE THE EFFECT OF THE RECORDING OF THE SUMMARY OF AN INSTRUMENT.

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

SECTION 1. That Chapter 8, 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 55-818, Idaho Code, and to read as follows:

55-818. RECORDING OF SUMMARY OF INSTRUMENT -- EFFECT. A summary of any instrument creating an interest in, or affecting the title to or possession of real property, may be recorded under this chapter or the laws of this state if the requirements of this section are substantially met. A summary of the instrument shall be signed and acknowledged by all parties to the original instrument. The summary of the instrument shall clearly state: the names of the parties to the original instrument, the title and date of the instrument, a description of the interest or interests in real property created by the instrument, and the legal description of the property. Other elements of the transaction may be stated in the summary. If the requirements of this section are met, the summary of the instrument may be recorded under the provisions of this chapter and, as to the contents of the summary only, it shall have the same force and effect as if the original instrument had been recorded, and constructive notice shall be deemed to be given concerning the contents of the summary and the existence of the instrument to any subsequent purchasers, mortgagees or other persons or entities that acquire an interest in the real property.

Approved April 6, 1987.

CHAPTER 354
(S.B. No. 1194)

AN ACT

RELATING TO THE BONDING REQUIREMENTS FOR PURCHASERS OF STATE-OWNED TIMBER; AMENDING SECTION 58-412, IDAHO CODE, TO PROVIDE THAT THE PURCHASERS OF STATE-OWNED TIMBER MAY MAKE A CASH DEPOSIT EQUAL TO THE VALUE OF THE TIMBER TO BE HARVESTED FROM A LEGAL SUBDIVISION OR CUTTING UNIT TO SERVE AS THE PAYMENT BOND; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Section 58-412, Idaho Code, be, and the same is hereby amended to read as follows:

58-412. NOTICE OF INTENT TO CUT TIMBER -- CUTTING PERMITS. No timber shall be cut under the above provisions of this act except as

follows: thirty (30) days' written notice shall be given to the state board of land commissioners, by filing such notice with the director, department of lands, of the particular land, described by legal subdivision or cutting unit, upon which the purchaser desires to cut timber. In addition, the purchaser shall provide the director of the department of lands with an adequate cash deposit, letter of credit, payment bond or other acceptable guarantee of payment, which shall be at least equal to the estimated value of the amount of timber to be harvested during the next ninety (90) day period or a cash deposit in an amount equal to the entire value of the timber to be harvested from a legal subdivision or cutting unit to be included in a cutting permit. Permits to cut timber under these provisions shall be issued under rules and regulations adopted by the state board of land commissioners. The right to cut timber under the terms of this act does not accrue until the permit has been issued.

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

Approved April 6, 1987.

CHAPTER 355
(S.B. No. 1207, As Amended)

AN ACT

RELATING TO THE APPROPRIATION FOR PUBLIC SCHOOL SUPPORT FOR FISCAL YEAR 1988; EXPRESSING LEGISLATIVE INTENT WITH REGARD TO EXPENDITURES FROM STATE SOURCES; APPROPRIATING MONEYS FOR DEPOSIT IN THE PUBLIC SCHOOL INCOME FUND; APPROPRIATING MONEYS FOR DEPOSIT IN THE PUBLIC EMPLOYEE RETIREMENT ACCOUNT; APPROPRIATING MONEYS FOR THE UNEMPLOYMENT INSURANCE PROGRAM; APPROPRIATING MONEYS FOR THE EMPLOYER'S PORTION OF SOCIAL SECURITY TAXES; AND APPROPRIATING ACCRUING MONEYS FROM THE PUBLIC SCHOOL INCOME FUND TO THE STATE BOARD OF EDUCATION TO BE EXPENDED PURSUANT TO LAW; SPECIFYING HOW $8,000,000 SHALL BE EXPENDED; AND EXPRESSING LEGISLATIVE INTENT WITH REGARD TO USING INCREASED GENERAL ACCOUNT MONEYS TO REDUCE SUPPLEMENTAL TAX LEVIES.

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

SECTION 1. It is legislative intent that the following amounts shall be expended from state sources for public school support for the period July 1, 1987, through June 30, 1988:

FROM:		
General Account		$343,000,000
Dedicated Accounts:		
Endowment Fund Income	$16,135,000	
Department of Lands	3,580,000	
Liquor Account	1,200,000	
Miscellaneous Receipts	3,658,600	
Subtotal	$24,573,600	24,573,600
TOTAL		$367,573,600

SECTION 2. 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, 1987, through June 30, 1988:

FROM:	
General Account	$284,036,400

SECTION 3. There is hereby appropriated from the General Account for Public School Support an amount not to exceed $31,726,300 for deposit in the Public Employee Retirement Account to be expended according to Section 59-1332A, Idaho Code, for the period July 1, 1987, through June 30, 1988.

SECTION 4. There is hereby appropriated from the General Account for Public School Support an amount not to exceed $403,300 for the Unemployment Insurance Program to be expended according to Section 72-1349C, Idaho Code, for the period July 1, 1987, through June 30, 1988.

SECTION 5. There is hereby appropriated from the General Account for Public School Support an amount not to exceed $26,834,000 for deposit in the Public School Income Fund to be expended for the purpose of paying the employer's portion of social security taxes for public school district employees, for the period July 1, 1987, through June 30, 1988.

SECTION 6. 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, 1987, through June 30, 1988.

SECTION 7. Eight million dollars of the General Account moneys appropriated in Section 2 of this act shall be expended for the acquisition of books, academic supplies, academic instructional materials and academic instructional equipment.

SECTION 8. It is Legislative intent that the increased General Account moneys provided by this act be used for the purpose of reducing supplemental tax levies where appropriate.

Approved April 6, 1987.

CHAPTER 356
(S.B. No. 1220)

AN ACT

RELATING TO THE PROCESSING OF ORE WITH CYANIDE; AMENDING CHAPTER 1, TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 39-118A, IDAHO CODE, TO PROVIDE FOR THE REVIEW AND APPROVAL OF ALL PLANS AND SPECIFICATIONS FOR CONSTRUCTION, EXPANSION OR MODIFICATION OF THAT PORTION OF ORE-PROCESSING FACILITIES WHICH UTILIZE CYANIDATION AND ARE INTENDED TO CONTAIN, TREAT OR DISPOSE OR PROCESS WATER OR PROCESS-CONTAMINATED WATER CONTAINING CYANIDE, TO PROVIDE PROCEDURES, TO PROVIDE FEES, TO PROVIDE PERMITS AND TO PROVIDE A GRANDFATHER CLAUSE FOR EXISTING FACILITIES IF CERTAIN PROCEDURES ARE FOLLOWED; AND DECLARING AN EMERGENCY.

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

SECTION 1. 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 39-118A, Idaho Code, and to read as follows:

39-118A. ORE PROCESSING BY CYANIDATION. (1) All plans and specifications for the construction of that part of a new ore-processing facility, or for modification or expansion to an existing ore-processing facility, that is intended to contain, treat, or dispose process water or process-contaminated water containing cyanide shall be submitted to and approved by the department before construction may begin, and all construction shall be in compliance therewith. Within thirty (30) days of the completion of such construction, modification or expansion, complete and accurate plans and specifications depicting that actual construction, modification or expansion does not deviate from the original approved plans and specifications, shall be submitted to the department. All plans and specifications submitted to satisfy the requirements of this section shall be certified by registered professional engineers.

(2) That portion of a new ore-processing facility, or a modification or expansion of an existing ore-processing facility, which utilizes cyanidation and is intended to contain, treat or dispose process water or process-contaminated water containing cyanide shall not be constructed, operated, or closed prior to a permit being obtained from the department. The director may require a reasonable fee for processing permit applications, and financial assurance for permanent closure of a new ore-processing facility, or a modification or expansion to an existing ore-processing facility.

(3) An existing facility which utilizes cyanidation water or process-contaminated water containing cyanide shall not be subject to the provisions of subsections (1) and (2) of this section if such facility shall be registered by the owner or operator using a form provided by the director of the department. Failure to register an existing facility shall subject such facility to the provisions of subsections (1) and (2) of this section.

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

Approved April 6, 1987.

CHAPTER 357
(S.B. No. 1228)

AN ACT

APPROPRIATING MONEYS TO THE LEGISLATIVE COUNCIL FOR FISCAL YEAR 1988; APPROPRIATING MONEYS TO THE STATE AUDITOR FOR THE LEGISLATIVE AUDITOR OF THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1988; APPROPRIATING MONEYS TO THE JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE FOR FISCAL YEAR 1988; 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 to be expended according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	TOTAL
FROM:			
General Account	$402,600	$222,100	$624,700
Interagency Billing and Receipts Account		42,000	42,000
TOTAL	$402,600	$264,100	$666,700

SECTION 2. There is hereby appropriated to the State Auditor for the Legislative Auditor of the Joint Senate Finance-House Appropriations Committee for the post-audit operations of the State, the following amount to be expended according to designated expense classes from the listed accounts for the period July 1, 1987, through June 30, 1988:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
FROM:				
General Account	$ 563,500	$ 6,000	$100,000	$ 669,500
Interagency Billing and Receipts Account	457,700	69,400	100,000	627,100
TOTAL	$1,021,200	$75,400	$200,000	$1,296,600

SECTION 3. There is hereby appropriated to the Joint Senate Finance-House Appropriations Committee, the following amounts to be

expended for the designated programs according to designated expense classes from the listed account for the period July 1, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. LEGISLATIVE BUDGET OFFICE:				
FROM:				
General Account	$368,300	$25,500	$70,000	$463,800
II. JOINT SENATE FINANCE-HOUSE APPROPRIATIONS COMMITTEE:				
FROM:				
General Account	$ 7,500	$ 7,500		$ 15,000
GRAND TOTAL	$375,800	$33,000	$70,000	$478,800

SECTION 4. 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 228, Laws of 1986, as designated in Section 3 for the Legislative Budget Office and the Joint Senate Finance-House Appropriations Committee, for the period July 1, 1987, through June 30, 1988, for nonrecurring expenditures only.

Approved April 6, 1987.

CHAPTER 358
(S.B. No. 1234)

AN ACT

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 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. CONTINUE PROJECTS APPROVED IN SECTION 2,
CHAPTER 335, LAWS OF 1986:

FROM:

Permanent Building Account	$4,575,800

B. STATE BOARD OF EDUCATION:
School for the Deaf and the Blind, Bond Payment

FROM:

Permanent Building Account	$ 724,200
GRAND TOTAL	$5,300,000

SECTION 2. It is the express intention that the moneys appropriated by this act may be made available for matching any allocation of moneys now in existence or hereafter made available by agencies of the United States and/or private donations; provided the express approval by the Permanent Building Fund Advisory Council is granted to make application for such moneys in each instance. It is further the intention of the legislature that this authority be effective from the effective date of this act.

SECTION 3. All appropriations made herein shall be exempt from the provisions of Chapter 36, Title 67, and Section 67-3516, Idaho Code, but shall be available for expenditure only after allotment in accordance with the other provisions of Chapter 35, Title 67, Idaho Code, and all appropriations made hereunder shall be subject to the provisions of Section 67-5711, Idaho Code, except as otherwise provided herein.

SECTION 4. The State Treasurer is hereby authorized and directed to anticipate the revenues in the Permanent Building Fund by the issuance of tax anticipation notes in accordance with authority conferred by Sections 63-3201, 63-3202, 63-3203, 63-3204 and 63-3205, Idaho Code, and in accordance with the procedures and subject to the limitations provided in those sections, in the same manner as though the revenues in the General Fund were being anticipated.

SECTION 5. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after its passage and approval.

Approved April 6, 1987.

CHAPTER 359
(S.B. No. 1235)

AN ACT

EXPRESSING LEGISLATIVE INTENT; APPROPRIATING MONEYS TO THE STATE BOARD OF EDUCATION FOR THE IDAHO STATE HISTORICAL SOCIETY FOR FISCAL YEAR 1988, 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 amount for the period July 1, 1987, through June 30, 1988:

FROM:	
General Account	$ 706,700
State Historical Society Foundation Account	178,300
Historical Preservation Account	458,800
TOTAL	$1,343,800

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, 1987, through June 30, 1988:

PROGRAM	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	FOR TRUSTEE AND BENEFIT PAYMENTS	TOTAL
A. HISTORICAL PRESERVATION AND EDUCATION:					
FROM:					
General Account	$433,100	$171,900	$25,000	$ 2,500	$ 632,500
State Historical Society Foundation Account		72,900	5,700		78,600
Historical Preservation Account	230,100	188,700		40,000	458,800
TOTAL	$663,200	$433,500	$30,700	$42,500	$1,169,900
B. HISTORIC SITES MAINTENANCE AND INTERPRETATION:					
FROM:					
General Account	$ 36,100	$ 32,800	$ 5,300		$ 74,200
State Historical Society Foundation Account	77,400	22,300			99,700
TOTAL	$113,500	$ 55,100	$ 5,300		$ 173,900
GRAND TOTAL	$776,700	$488,600	$36,000	$42,500	$1,343,800

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 162, Laws of 1986, for the period July 1, 1987, through June 30, 1988, to be used for nonrecurring expenditures only.

Approved April 6, 1987.

CHAPTER 360
(S.B. No. 1239)

AN ACT

APPROPRIATING MONEYS FROM THE WATER POLLUTION CONTROL ACCOUNT TO THE GENERAL ACCOUNT; APPROPRIATING MONEYS FROM THE GENERAL ACCOUNT TO THE PUBLIC EMPLOYEES RETIREMENT ACCOUNT; AND DECLARING AN EMERGENCY FOR SECTION 1 OF THIS ACT.

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

SECTION 1. If it is determined by the Board of Examiners that sufficient General Account revenues will not be available to fully fund Fiscal Year 1987 General Account appropriations, there is hereby appropriated to the General Account from the Water Pollution Control Account an amount equal to the anticipated revenue shortfall, but not to exceed $2,122,100. The provisions of this appropriation specifically supersede the provisions of Section 39-3606, Idaho Code.

SECTION 2. There is hereby appropriated out of the General Account an amount which shall be transferred by not later than September 1, 1987, to be deposited in the Public Employees Retirement Account. Such appropriation shall not exceed any delayed payment of the amount authorized under Section 7, Chapter 335, Laws of 1986, to the Public Employees Retirement Account.

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

Approved April 6, 1987.

CHAPTER 361
(S.B. No. 1117, As Amended)

AN ACT

RELATING TO THE ENFORCEMENT OF MANDATORY LIABILITY INSURANCE REQUIREMENTS FOR MOTOR VEHICLES; AMENDING CHAPTER 2, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-236, IDAHO CODE, TO PROVIDE FOR THE TRANSPORTATION DEPARTMENT TO PROMULGATE RULES AND REGULATIONS REGARDING THE ENFORCEMENT OF THE LAW PERTAINING TO MANDATORY MOTOR VEHICLE LIABILITY INSURANCE, TO PROVIDE PROCEDURES, TO PROVIDE FEES, AND TO PROVIDE TORT LIABILITY FOR INSURERS RELATING TO THE OPERATION OF CERTAIN LAW; AMENDING SECTION 49-126, IDAHO CODE, TO INCREASE CERTAIN ANNUAL REGISTRATION FEES; AMENDING SECTION 49-127, IDAHO CODE, TO INCREASE CERTAIN REGISTRATION FEES; AND AMENDING SECTION 6-904, IDAHO CODE, TO PROVIDE IMMUNITY FROM TORT LIABILITY FOR THE CANCELLATION OR RECISION OR THE FAILURE TO CANCEL OR RESCIND ANY MOTOR VEHICLE REGISTRATION AND LICENSE PLATES FOR FAILURE OF THE OWNER TO VERIFY OR MAINTAIN MOTOR VEHICLE LIABILITY INSURANCE COVERAGE; AND PROVIDING EFFECTIVE DATES.

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 49-236, Idaho Code, and to read as follows:

49-236. MANDATORY MOTOR VEHICLE LIABILITY INSURANCE. (1) The Idaho transportation department is hereby authorized and directed to develop, by rules and regulations, an additional method of enforcement of the mandatory motor vehicle liability insurance by requiring motor vehicle liability insurance carriers to verify, on a random basis not to exceed five percent (5%), insurance coverage on a motor vehicle at time of registration and to notify the Idaho transportation department upon cancellation or termination of coverage that occurs within the first six (6) months of the policy inception date. The method of enforcement shall provide for recision of the motor vehicle registration for which verification of coverage is not received by the department or where coverage is cancelled or terminated. The rules and regulations shall also provide rules of practice and procedure before the department for affected persons.

(2) The department is authorized to require a twenty-five dollar ($25.00) fee for reinstatement of any registration rescinded for failure to provide verification or maintain coverage.

(3) A motor vehicle liability insurance carrier and its employees, while acting within the course and scope of their employment and without malice or criminal intent shall not be liable for any claim which arises out of the cancellation or rescision, or the failure to cancel or rescind, any motor vehicle registration and license plates for failure of the owner to verify or maintain motor vehicle liability insurance coverage.

SECTION 2. That Section 49-126, Idaho Code, be, and the same is hereby amended to read as follows:

49-126. ANNUAL REGISTRATION. (1) The annual fee for operating each pickup truck and each other motor vehicle having a maximum gross weight not in excess of eight thousand (8,000) pounds, designed for the purpose of carrying passengers, and not used for hire shall be:

Vehicles one (1) and two (2) years old	$ 36.00~~48~~
Vehicles three (3) and four (4) years old	33.00~~48~~
Vehicles five (5) and six (6) years old	25~~.~~00~~6~~.28
Vehicles seven (7) and eight (8) years old	22.2~~0~~~~6~~8
Vehicles over eight (8) years old	15~~.~~00~~6~~.08

For the purpose of this subsection, the age of a motor vehicle shall be determined by subtracting the manufacturer's year designation of the vehicle from the year in which the fee designated is paid. If the vehicle has the same manufacturer's year designation as the year in which the fee is paid, or if a vehicle has a manufacturer's year designation later than the year in which the fee is paid, the vehicles shall be deemed to be one (1) year old for the purposes of this subsection. The term "manufacturer's year designation" shall mean the

model year designated by the motor vehicle manufacturer, and not the year in which the vehicle is in fact manufactured.

There shall be twelve (12) registration periods, starting in January for holders of validation registration stickers ending in 1, and proceeding consecutively through December for holders of validation registration stickers ending in 12, each of which shall start on the first day of a calendar month and end on the last day of the twelfth month from the date of beginning. Registration periods shall expire midnight on the last day of the registration period in the year designated by the registration validation sticker. The numeral digit on the validation registration stickers shall, as does the registration card, fix the registration period under the staggered plate system of Idaho for the purpose of reregistration and notice of expiration.

A vehicle that has once been registered for any of the above designated periods shall, upon reregistration, be registered for the period bearing the same number, and the registration card shall show and be the exclusive proof of the expiration date of registration and licensing. Vehicles may be initially registered for less than a twelve (12) month period, or for more than a twelve (12) month period, and the fee prorated on a monthly basis if the fractional registration tends to fulfill the purpose of the monthly series registration system.

(2) For all motor vehicles, trailers and semitrailers equipped to carry passengers and operated primarily for hire exclusively within the limits of an incorporated city and adjacent thereto, when the service outside the city is a part of a regular service rendered inside the city, and for school buses operated either by a nonprofit, nonpublic school or operated pursuant to a service contract with a school district for transporting children to or from school or in connection with school approved activities, the annual fee shall be twelve dollars and forty-eight cents ($12.0048).

(3) For all hearses, ambulances and wreckers the annual fee shall be twenty-nine dollars and forty cents ($29.0040), and these vehicles shall bear passenger car plates. No operator of a hearse, ambulance, or wrecker shall be entitled to operate them by virtue of any dealer's license that may have been issued under the provisions of this chapter.

(4) For all motorcycles the annual fee shall be six dollars and forty-eight cents ($6.0048).

(5) The registration fees for utility trailers and rental utility trailers shall be:

Maximum Laden or Gross Weight (Pounds)	Annual Registration Fee Utility Trailers	Rental Utility Trailers
Up to 2,000	$ 3.00	$ 6.00
2,001-5,000	6.00	12.00
5,001-8,000	10.00	18.00

(6) All vehicles required by subsections (2) through (5) of this section to be registered shall be issued number plates and validation stickers for a calendar year and shall expire midnight December 31.

SECTION 3. 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 vehicles 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.	187.00	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 trans-

portation 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 noncommercial 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.

SECTION 4. That Section 6-904, Idaho Code, be, and the same is hereby amended to read as follows:

6-904. EXCEPTIONS TO GOVERNMENTAL LIABILITY. A governmental entity and its employees while acting within the course and scope of their employment and without malice or criminal intent shall not be liable for any claim which:

1. Arises out of any act or omission of an employee of the governmental entity exercising ordinary care, in reliance upon or the execution or performance of a statutory or regulatory function, whether or not the statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee thereof, whether or not the discretion be abused.

2. Arises out of the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement

officer.

3. Arises out of the imposition or establishment of a quarantine by a governmental entity, whether such quarantine relates to persons or property.

4. Arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

5. Arises out of the activities of the Idaho national guard when engaged in training or duty under sections 316, 502, 503, 504, 505 or 709, title 32, United States Code, and the claim arising therefrom is payable under the provisions of the National Guard Claims Act (section 715, title 32, United States Code) except that a claimant not compensated in whole or in part under the National Guard Claims Act may assert his claim under this act.

6. Arises out of the activities of the Idaho national guard when engaged in combatant activities during a time of war.

7. Arises out of or results from riots, unlawful assemblies, public demonstrations, mob violence or civil disturbances.

8. Arises out of a plan or design for construction or improvement to the highways, roads, streets, bridges, or other public property where such plan or design is prepared in substantial conformance with engineering or design standards in effect at the time of preparation of the plan or design, approved in advance of the construction or approved by the legislative body of the governmental entity or by some other body or administrative agency, exercising discretion by authority to give such approval.

9. Arises out of the cancellation or recision, or the failure to cancel or rescind, any motor vehicle registration and license plates for failure of the owner to verify or maintain motor vehicle liability insurance coverage.

SECTION 5. Section 1 of this act shall be in full force and effect on and after July 1, 1988, except for the obligation of the Idaho Transportation Department to promulgate rules and regulations. Sections 2, 3 and 4 of this act shall be in full force and effect on and after July 1, 1987.

Approved April 9, 1987.

SENATE AND HOUSE JOINT RESOLUTIONS

(S.J.R. No. 105)

A JOINT RESOLUTION

RATIFYING THE PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO COMPENSATION FOR SENATORS AND REPRESENTATIVES.

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

WHEREAS, in the First Session of the Congress of the United States of America, begun and held at the city of New York, on Wednesday, the fourth of March, one thousand seven hundred and eighty-nine, it was resolved by a constitutional majority of two-thirds thereof, to submit the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

"ARTICLE --

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.".

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature that the proposed amendment to the Constitution of the United States be, and the same is hereby ratified by the First Regular Session of the Forty-ninth Idaho Legislature.

Passed by the Senate March 2, 1987.
Passed by the House March 31, 1987.

(H.J.R. No. 3)

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 20, ARTICLE III, OF THE CONSTITUTION OF THE STATE OF IDAHO, RELATING TO LOTTERIES, TO PROHIBIT ANY GAME OF CHANCE, LOTTERY, GIFT ENTERPRISE OR GAMBLING EXCEPT A STATE LOTTERY AUTHORIZED BY THE STATE, PARI-MUTUEL BETTING, AND A CHARITABLE LOTTERY OPERATED BY A CHARITABLE ORGANIZATION FOR CHARITABLE PURPOSES IF CONDUCTED IN CONFORMITY WITH LAW; 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 20, Article III, of the Constitution of the State of Idaho be amended to read as follows:

SECTION 20. ~~LOTTERIES~~ GAMBLING NOT TO BE AUTHORIZED. ~~The legislature shall not authorize any~~ No game of chance, lottery ~~or~~, gift enterprise or gambling shall be authorized under any pretense or for any purpose whatever, except for the following:

a. A state lottery which is authorized by the state if conducted in conformity with law; and

b. Pari-mutuel betting if conducted in conformity with law; and

c. Charitable games of chance which are operated by qualified charitable organizations in the pursuit of charitable purposes if conducted in conformity with law.

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 20, Article III, of the Constitution of the State of Idaho be amended to prohibit any lottery or gift enterprise except: a state lottery authorized by the state, or pari-mutuel betting, or charitable games of chance operated by a charitable organization for charitable purposes, if conducted in conformity with law?".

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 House March 24, 1987.
Passed by the Senate March 27, 1987.

SENATE CONCURRENT RESOLUTIONS

(S.C.R. No. 101)

A CONCURRENT RESOLUTION

RECOGNIZING AND DECLARING THE VIETNAM VETERANS' MEMORIAL IN FREEMAN PARK IN THE CITY OF IDAHO FALLS TO BE THE OFFICIAL VIETNAM VETERANS' MEMORIAL OF THE STATE OF IDAHO.

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

WHEREAS, the United States owes much to veterans from all wars for their physical and mental sacrifice, and for their selfless fighting for the protection of our country; and

WHEREAS, of the approximately 33 million veterans in the United States, Idaho is home to more than 122,000 veterans, of which more than 45,000 are Vietnam era veterans; and

WHEREAS, the Legislature of the State of Idaho believes that the contributions and sacrifices of the Idaho Vietnam veteran should be officially recognized by the people of the State of Idaho, and that the Vietnam veteran must never be forgotten.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislature of the State of Idaho hereby recognizes and declares the Vietnam Veterans' Memorial located in Freeman Park in the City of Idaho Falls to be the official Vietnam Veterans' Memorial within the State of Idaho.

Adopted by the Senate January 21, 1987.
Adopted by the House February 9, 1987.

(S.C.R. No. 104)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND ADOPTING THE IDAHO HAZARDOUS WASTE MANAGEMENT PLAN.

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

WHEREAS, the First Regular Session of the Forty-eighth Idaho Legislature provided for the creation of the State Hazardous Waste

Management Planning Committee; and

WHEREAS, a principal charge of the Committee was the preparation of a state hazardous waste siting management plan, and submission of the plan to the Idaho Legislature not later than January 1, 1987; and

WHEREAS, the Idaho Hazardous Waste Management Plan has been submitted to the Legislature and, pursuant to Section 39-5807, Idaho Code, is now subject to amendment, adoption or rejection by concurrent resolution.

NOW, THEREFORE BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein that the Idaho Hazardous Waste Management Plan be, and the same is hereby adopted as follows:

IDAHO HAZARDOUS WASTE MANAGEMENT PLAN

MISSION STATEMENT

Provide for the safe and effective management of hazardous wastes within Idaho.

GOALS

1. Protect public health and safety
2. Protect quality of surface water, groundwater, atmospheric and land-based resources
3. Protect the economic integrity of the state
4. Minimize the land disposal of hazardous wastes
5. Encourage recycling, reuse, reduction, recovery and treatment of hazardous wastes
6. Insure the site integrity of hazardous waste management facilities
7. Provide for the safe transportation of hazardous wastes
8. Provide for broad public education and involvement regarding hazardous waste management
9. Provide for adequate financing and administration of hazardous waste management programs.

POLICY STATEMENTS

1. Public education regarding the Idaho Hazardous Waste Management Program is important. The current mechanisms for educating the public are insufficient and need to be expanded.

Rationale:

Hazardous wastes are the by-products of modern life and contemporary societies with high standards of living. Such everyday activities as painting our homes, servicing our cars and killing the bugs in our gardens result in the generation of hazardous waste. The manufacturers of products such as TVs and personal computers generate hazardous waste. The management of these wastes, including identification, treatment, storage and disposal, is a complex activity even for those who are trained in toxicology, chemistry, geology, and engineering. To maximize the benefits of a hazardous waste management plan, the public should be informed about the major public health and regulatory aspects

of hazardous waste management. An enlightened public is a well-protected public from the standpoint of public health.

Implementation:

The Department of Health and Welfare should establish educational programs regarding the public's everyday responsibility for the generation of hazardous wastes. The educational programs should explain the generation of hazardous waste products by both the home and industry. When developing educational programs, the Department of Health and Welfare should utilize local health districts, local governments, the Department of Education, Department of Law Enforcement, industries, conservation groups, and other public interest groups.

The Department of Health and Welfare should develop and implement the following:

(1) Public hazardous waste workshops
(2) Materials produced in "laymen's terms" for educational purposes (e.g., pamphlets, videos, slides, etc.)
(3) Educational seminars targeted toward specific groups (e.g., legislators, interest groups)
(4) TV, radio and newspaper features regarding hazardous wastes
(5) Primary, secondary and higher educational programs in conjunction with the Department of Education.

2. The public should be involved in the Idaho hazardous waste treatment, storage and disposal facility licensing and permitting processes.

Rationale:

Early public involvement is essential to effective and comprehensive site licensing and permitting processes.

Implementation:

The current licensing process should be modified by the Idaho Legislature. Proposed legislation has been submitted to the legislature under separate cover. In addition, when a new facility is proposed, the city and county where the proposed site is to be located should set up community information committees.

To facilitate early public involvement, public meetings should be held regarding major decision points in the Part B permitting process. These meetings should be held before a draft permit is completed. The local health districts should be specifically requested to participate in both the permitting and licensing processes.

3. Local units of government should continue to have formal involvement in the hazardous waste facility siting process.

Rationale:

Hazardous waste facility site planning should recognize local land use planning ordinances and respect the local policy and decision making process. State, county and city governments must

work together for the planning, licensing and permitting process to be effective.

By establishing the state representative from the Department of Health and Welfare as a nonvoting chairman on the site review panel, the voting decision authority will become more balanced. This balance will allow for more equal representation between local officials and the state.

Implementation:

Current law regarding the site review panel provides for local government involvement. The representative on the site review panel representing the state Department of Health and Welfare should be a nonvoting chairman (except in the case of a tie). Also, see policy No. 11.

4. Idaho should regulate the treatment, storage, disposal and handling of hazardous wastes, so as not to encourage the importation of such wastes.

Rationale:

Idaho should not become a dumping ground for unreasonable quantities or concentrations of hazardous wastes generated elsewhere. At the same time Idaho should not erect barriers to the treatment, storage or disposal of hazardous waste in the state which would negate efforts to develop regional waste management facilities (see policy No. 6). The manufacture of products used by every citizen results in the generation of hazardous waste. To develop and implement environmentally sound alternatives for the management of hazardous waste (see policy No. 5), it may be necessary for Idaho to accept some out of state wastes for treatment, storage, or disposal in return for being able to send other types of wastes to other facilities in the region. For regional waste management to succeed, states must be willing to accept part of the burden. However, Idaho should have relative parity with the regulations and fee structure of other states. Otherwise disposal may take place in Idaho because of fewer restrictions.

Implementation:

The Department of Health and Welfare should continually review and consider proposing limitations or restrictions on the types of wastes accepted for disposal and treatment, concurrent with the development of federal and surrounding state and provincial laws. Such limitations or restrictions should consider the availability of reasonable alternative treatment and disposal options and the needs of Idaho hazardous waste generators. Fees paid to the State of Idaho should also be consistent with other states. The fee at commercial hazardous waste disposal facilities should be on both handling and disposal of wastes.

5. Incentives should be provided for encouraging environmentally sound alternative technologies to land disposal including waste reduction, incineration, recycling, reuse, recovery and treatment.

Rationale:

To reduce the expense to both industry and society for managing hazardous wastes and to minimize the environmental impacts of handling these wastes, incentives for creative alternative technologies that reduce the quantity or toxicity of hazardous wastes should be provided.

Implementation:

(1) The Idaho Legislature should evaluate tax credits and tax free bonds for the cost of equipment and construction.
(2) Idaho universities should pursue research of alternative technologies for the treatment of hazardous wastes.
(3) The Department of Health and Welfare should give high priority to processing of permit applications for alternative technology facilities.
(4) The Idaho Legislature should direct the Department of Health and Welfare to limit the land disposal of wastes that are amenable to alternative treatments as environmentally sound technologies become available.
(5) The Idaho Legislature should direct the Department of Health and Welfare to establish a research and development permit process for the testing of alternative technologies.

6. Idaho should encourage the development and operation of in-state or regional (Northwest, Rocky Mountain, and Intermountain) treatment, storage and disposal facilities to handle hazardous wastes generated within the state.

Rationale:

The State of Idaho should ensure adequate and safe in-state or regional sites for treatment, storage and disposal of the hazardous waste generated by its people, businesses and industries. Without such in-state or regional sites, Idaho's people, businesses and industries would have to incur high and perhaps unreasonable costs to transport their wastes to distant sites outside the State of Idaho. It is in Idaho's best interest to encourage cost-effective regional hazardous waste management facilities.

Implementation:

(1) The State of Idaho should encourage communication with surrounding states, provinces and EPA to develop a regional hazardous waste plan.
(2) The State of Idaho should encourage continuing communication with surrounding states and provinces regarding private sector development of hazardous waste treatment, storage and disposal facilities.

7. The State of Idaho should regulate the movement of hazardous wastes within the state.

Rationale:

Major highways and railroads are used on a daily basis in Idaho to transport hazardous wastes and hazardous materials. Federal and state hazardous waste and hazardous materials transportation statutes provide for regulation of these activities, but do not comprehensively approach the transportation management problem. Many of the accidents involving hazardous waste and materials are transportation related; because of this, it is important for the State of Idaho to take the initiative in the regulation of transportation.

Implementation:

(1) The State of Idaho should designate specific routes for the transportation of hazardous wastes, where applicable. Local government approval should be required regarding the designation of nonstate highways for hazardous waste transport.
(2) Transportation routes should favor interstate and other major highways because they are safer, better patrolled and faster response is available to accidents.
(3) The Idaho Legislature should recommend that the federal government pass regulations for decontamination of trucks before reloading a truck with new cargo for the return trip, especially food products.
(4) The Idaho Legislature should enact a statute which requires decontamination of trucks when a spill occurs within the truck.

8. City and county governments should have a means of obtaining funds for contending with the impacts of hazardous waste management facilities within their jurisdiction.

Rationale:

City and county governments have incurred and will continue to incur costs associated with the siting of hazardous waste treatment, storage and disposal facilities within their jurisdictions. These facilities may impact such local government services as fire protection, emergency response and road repair. City and county governments should have a means to obtain funds to offset these impacts.

Implementation:

The Idaho Legislature should either give fee authority to local city and county governments or establish a development fee as part of the permit condition to offset impacts of a hazardous waste management facility.

9. Hazardous waste storage and transfer facilities should be located regionally within the state.

Rationale:

Transfer and storage facilities located strategically around the state will reduce the movement of hazardous waste thereby

lessening public health risks resulting from transportation mishaps. Idaho's geographical diversity and its limited transportation routes mandate regional in-state sites.

Implementation:
(1) The Department of Health and Welfare should encourage the development of receiving, transfer, and storage facilities for small quantity generators.
(2) The Department of Health and Welfare should give a high priority to processing of permit applications for these facilities.
(3) The Hazardous Waste Facility Siting Act should include regulation of transfer facilities and the Act should be amended accordingly.

10. Hazardous waste treatment, storage, disposal and transfer facilities should be initiated and developed by private enterprise.

Rationale:
It is the state's responsibility to respond to and review proposals for hazardous waste treatment, storage, disposal and transfer facilities initiated by the private sector. The state should not attempt to compete with the private sector in this highly technical and capital-intensive arena.

Implementation:
The State Hazardous Waste Management Act, the Federal Resource Conservation and Recovery Act (RCRA), and health and environmental statutes, rules and regulations provide the framework for state review of private sector proposals for hazardous waste management facilities. This Hazardous Waste Management Plan provides additional technical criteria that will be used to review and evaluate proposals.

11. The Idaho hazardous waste licensing process should be better coordinated with the state and federal permitting process and should provide for early public involvement.

Rationale:
To the extent possible, state and federal licensing and permitting processes should be better coordinated to prevent duplication of effort and prolongation of the process. Timely and efficient coordination will assure Idahoans of an effective process.

Implementation:
The Idaho Legislature should adopt changes to the licensing process.

12. Idaho should ensure the availability of affordable environmental impairment insurance to hazardous waste transporters and treatment, storage, disposal and transfer facility operators.

Rationale:

Affordable liability insurance and bonds are becoming more difficult to obtain, especially for hazardous waste facilities. Hazardous waste management is a volatile public issue. The methods and technologies for hazardous waste management are relatively new and few hazardous waste sites have long histories; thus, the health and environmental risks are difficult to assess. As a result, insurance and bonds are either very expensive or not available.

Implementation:

The Idaho Legislature should implement appropriate mechanisms to allow hazardous waste transporters and treatment, storage, disposal and transfer facility operators to secure affordable environmental impairment insurance.

Possible mechanisms include:

(A) Tort law reform
(B) State insurance fund
(C) Regulatory control on insurance rates

13. The State of Idaho should establish a state trust fund for post-closure cleanup of abandoned hazardous waste treatment, storage, disposal and transfer facilities, and for emergency cleanup purposes.

Rationale:

The business risk of operating a hazardous waste treatment, storage, or transfer facility exposes the State to certain unpredictable or contingent future risks as the result of granting permits and licenses for sites and facilities. The State should initiate a state hazardous waste site trust fund to provide for post-cleanup of sites in the event of a failure, abandonment, or bankruptcy of the operator of a hazardous waste treatment, storage, disposal or transfer facility.

Implementation:

The Idaho Legislature should establish funding for a state trust fund (e.g., user fees, user taxes, general obligation bonding or a voluntary state income tax checkoff).

~~14. Current Idaho air, water and hazardous waste management statutes, rules and regulations should be continuously monitored for their timeliness, appropriateness and application in light of developing federal laws and advancing industrial technologies.~~

~~Rationale:~~

~~Clearly, hazardous waste management and planning, challenge the limits of science, engineering, medicine, public health and law. In fact, the management and regulation of hazardous wastes are newly developing fields of knowledge. The federal hazardous waste statutes date only from 1976 and Idaho's from 1983.~~

~~It is important for the State of Idaho to be able to respond~~

~~to-changing-conditions-and-appropriately-regulate-both--types--and concentrations-of-hazardous-waste----which-are-constantly-changing as-technologies,-knowledge-and-laws-change.~~

~~The--Idaho--Hazardous-Waste-Management-Act-limits-Idaho-to-be no-more-stringent-than-federal--law.---Thus,--although--the--State Board--of--Health--and-Welfare-has-authority-to-adopt-regulations, they-can-be-no-more-stringent-than-federal--regulations,--even--in emergency-cases.~~

~~The--quality-of-Idaho's-natural-environment-affects-the-well-being-of-every-Idaho-citizen-and-must--be--protected.---Therefore, Idaho--should--have-the-ability-to-tailor-its-hazardous-waste,-air and-water-quality-regulations-to--its--own--needs--as--appropriate within-the-constraints-of-a-viable-economy.~~

~~Implementation:~~

~~The-Idaho-Legislature-should-provide-that-the-Board-of-Health and--Welfare--have--the--power-to-adopt-emergency-regulations-more stringent-than-federal-regulations-to-react-to-unforeseen--serious public--health--threats--regarding--hazardous-wastes.--Such-action should-provide-for-subsequent-legislative-review-and--approval--at the-next-session-after-which-the-emergency-powers-have-been-implemented.---Without--such-legislative-approval-the-emergency-regulation-should-become-void.~~

15. Incentives should be provided for the collection, segregation, treatment and disposal of "household" hazardous wastes (i.e., quantities less than the regulated small quantity generated amount).

Rationale:

Households are producers of a broad spectrum of hazardous waste which on a household by household basis are unregulated. Collectively, however, the households in a community or city can generate more hazardous wastes than the industries in the same area. Historically these household wastes were deposited weekly in the local landfill -- "put out with the household trash at the curb". A formal collection program to manage these wastes would be beneficial.

Implementation:

(1) The Department of Health and Welfare should investigate procedures to establish such programs.
(2) These programs should be incorporated into the general public education program discussed under Policy Number 1.

16. Idaho should provide for the treatment, storage and disposal of Superfund wastes generated within the State of Idaho.

Rationale:

Idaho's industrial past includes wastes that have been identified under the jurisdiction of the Federal Superfund statute. Superfund wastes are under the jurisdiction of the Federal Comprehensive Emergency Response, Compensation and Liability

Act (CERCLA). It is necessary for the State of Idaho to provide for disposal of CERCLA wastes within the state or to facilitate transportation to an appropriate regional site.

Implementation:

The Department of Health and Welfare should identify necessary hazardous waste treatment, storage and disposal facility sites either in-state or regionally (Northwest, Rocky Mountain, and Intermountain) for Idaho Superfund wastes.

17. Adequate funding should be provided for state departments for hazardous waste management in Idaho.

Rationale:

The technical complexities of hazardous waste management, the geographical diversity of Idaho, and the state's sensitive environment mandate that adequate funding be provided for the safe management of hazardous wastes in Idaho. Current funding levels are inadequate to effectively manage hazardous waste in Idaho, to implement the provisions of this plan, and to ensure federal authorization of the state hazardous waste program.

Implementation:

The various state departments should determine the costs for implementing the Idaho Hazardous Waste Management Plan and submit their analyses and budget requests to the Idaho Legislature for funding.

18. Idaho should develop technical siting criteria for commercial hazardous waste land disposal facilities. Hazardous waste treatment and storage facilities should continue to be given rigorous review under existing state/federal permitting regulations.

Rationale:

The application of technical siting criteria for commercial hazardous waste land disposal facilities will exclude major portions of the State of Idaho because of Idaho's unique geology and geography. These portions of the State are not suitable for any operating hazardous waste land disposal facilities.

The consideration of hydrogeologic parameters for hazardous waste treatment, storage, or disposal facilities will help to minimize any environmental impacts to the surrounding land and groundwater resources.

Hazardous waste treatment and storage facilities receive a rigorous review regarding hydrogeologic parameters under the existing federal/state Part B permitting process.

Implementation:

The criteria listed in Chapter 3 of this Plan establish the minimum hydrogeological and demographic characteristics which proposed commercial hazardous waste land disposal facilities must meet in order to be licensed.

When considering a license for a proposed commercial hazardous waste treatment or storage facility, the depth to groundwater, depth to fractured rock, and total thickness of unconsolidated fine-grained sediments beneath the proposed site should be taken into consideration. These hydrogeological parameters will provide a natural protection by retarding the transport of contaminants in the event of a leak or spill.

19. Idaho should develop technical siting criteria for commercial hazardous waste incinerators.

Rationale:

Incineration is currently the best available technology for the management of many types of organic hazardous wastes. As such, applications to construct and operate hazardous waste incinerators can be expected in the future.

To protect public health and the environment while also allowing for the development of the needed technology, minimum siting criteria related to meterological and air quality considerations should be established.

Implementation:

The Idaho Legislature should enact commercial hazardous waste incinerator technical siting criteria based on advice from the Air Quality Bureau.

20. Idaho should regulate PCB waste disposal in a manner consistent with the Federal Toxic Substances Control Act.

Rationale:

PCBs are not hazardous waste by definition. They are regulated by the federal government (U.S. EPA) through the Toxic Substances Control Act (TSCA) and by the state through the solid waste authorities of the Environmental Protection and Health Act. PCB waste disposal should be more rigorously controlled by the state than is currently possible under existing state authorities. This state control should be similar to the controls imposed by EPA through TSCA.

Implementation:

The Idaho Legislature should adopt legislation to allow state control of PCB waste disposal in a manner consistent with TSCA.

MINIMUM TECHNICAL SITING CRITERIA
FOR COMMERCIAL HAZARDOUS WASTE
LAND DISPOSAL FACILITIES
WITHIN IDAHO

These criteria apply only to future commercial hazardous waste land disposal facilities (landfills, land treatment and surface impoundment). They are not intended to apply to existing or future private

industrial facilities.

1) No new hazardous waste land disposal facility shall be sited where:

A) The seasonal-high depth of the groundwater, beneath the proposed site, is less than 100 feet below the lowest point of disposal. Perched saturated zones may be exempt from exclusionary criterion if it can be demonstrated that the saturated zone has no economic or consumptive usable purpose.

B) The thickness of fine-grained (predominantly clay and silt) unconsolidated sediments above the water table is less than 25 feet.

C) The depth to fractured rock (e.g., basalt, rhyolite, limestone, dolomite, etc.) is less than 100 feet below the lowest point of disposal.

2) No new hazardous waste land disposal facility shall be sited within:

*A) 2500 feet of surface water bodies (e.g., lakes and perennial rivers or streams, etc.).

*B) 1000 feet of existing public/private and irrigation water supply wells, unless it can be demonstrated that natural hydrogeologic barriers isolate the site location from the aquifer being pumped.

C) A floodplain of a 500-YEAR (recurrence interval) flood.

D) Areas that are in close proximity of active fault zones (i.e., displacement within Holocene time) or other tectonically active or unstable areas (e.g., paleolandslides, etc.).

E) Areas overlying any subsurface mining.

3) No new hazardous waste land disposal facility shall be sited within:

*A) 5000 feet of any off-site residential structure that is routinely occupied at least 8 hours/day.

*B) 3 miles of schools, airports, hospitals, churches.

*C) 3 miles from a population center greater than 150 people.

4) An area of at least 500 feet surrounding the "active" (disposal location) portion of the site shall be provided as an inactive

buffer zone.

*Distance from the proposed site perimeter

LIST OF DEFINITIONS

CERCLA: Comprehensive Emergency Response, Compensation and Liability Act (federal law) commonly referred to as Superfund.

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.

DISPOSAL FACILITY: means a facility or a part of a facility at which managed hazardous wastes, as defined by rule, is intentionally placed into or on land (i.e., landfill, land treatment, surface impoundment) or water and at which hazardous waste will remain after closure.

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.

HAZARDOUS WASTE: means a waste or combination of wastes of a solid, liquid semisolid, or contained gaseous form which, because of its quantity, concentration or characteristics (physical, chemical or biological) may:

(a) Cause or significantly contribute to an increase in deaths or an increase in serious, irreversible or incapacitating reversible illnesses; or

(b) Pose a substantial threat to human health or to the environment if improperly treated, stored, disposed of, or managed. Such wastes include, but are not limited to, materials which are toxic, corrosive, ignitable, or reactive, or materials which may have mutagenic, teratogenic, or carcinogenic properties but do not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to national pollution discharge elimination system permits under the Federal Water Pollution Control Act, as amended, 33 Q.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.

HAZARDOUS WASTE MANAGEMENT: means the systematic control of the collection, source separation, storage, treatment, transportation, processing, and disposal of hazardous wastes.

HAZARDOUS WASTE MANAGEMENT ACT: Title 39, Idaho Code, Chapter 44.

HAZARDOUS WASTE STORAGE FACILITY: means a facility or part of a facility at which managed hazardous waste, as defined by rule and regulation is subject to storage.

HAZARDOUS WASTE TRANSFER FACILITY: means a facility at which manifested shipments of hazardous waste are stored for a period of ten days or less.

HAZARDOUS WASTE TREATMENT FACILITY: 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.

LICENSING PROCESS: that process as set forth in Idaho Code Sections 39-5808 - 39-5820.

RCRA: means the Resource Conservation and Recovery Act of 1976, as amended in 1978, 1980 and 1984 (federal law). This law currently regulates and permits hazardous waste activities.

SMALL QUANTITY GENERATOR: A generator who produces less than 1000 kg of hazardous waste per month (or accumulates less than 1000 kg at any one time) or one who produces less than 1 kg of acutely hazardous waste per month (or accumulates less than 1 kg of acutely hazardous waste at any one time). The threshold will reduce to 100 kg per month of hazardous waste on March 31, 1986.

STATE/FEDERAL PERMITTING PROCESS: that process as set forth in Idaho Code Section 39-4409, which parallels the federal permit process under the Resource Conservation and Recovery Act (RCRA).

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.

SUPERFUND: common name for CERCLA.

Adopted by the Senate February 16, 1987.
Adopted by the House March 9, 1987.

(S.C.R. No. 106)

A CONCURRENT RESOLUTION
STATING PUBLIC POLICY RELATED TO MEETING THE NEEDS OF VICTIMS OF ALZHEIMER'S DISEASE AND THEIR FAMILIES.

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

WHEREAS, Alzheimer's Disease is well recognized as a major cause of suffering and death among the elderly population; and

WHEREAS, a major consequence of Alzheimer's Disease is emotional and financial stress for family members of Alzheimer's victims; and

WHEREAS, Alzheimer's Disease is not inevitable, and not a normal part of aging, and is at present known to be an incurable and irreversible disease; and

WHEREAS, Alzheimer's Disease afflicts more than two and a half million Americans, and approximately sixty per cent of public funds for nursing home care supports the care of patients with Alzheimer's Disease.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the following statements reflect public policy of the State of Idaho:

1. The Idaho Office on Aging is encouraged to serve as the visible advocate within state government for developing programs and services for Alzheimer's Disease victims and their families.

2. There is a need to review Medicaid eligibility requirements and state financial need criteria and to make recommendations for changes to accommodate Alzheimer's Disease victims.

3. There is a need to examine options for providing financial incentives including, but not limited to, grants, tax credits and incentive payments to nursing homes, intermediate care facilities and other institutions that implement special programs designed to meet the unique needs of Alzheimer's Disease victims.

4. There is a need to consider alternatives for preventing the impoverishment of the spouse or family of an Alzheimer's Disease victim.

Adopted by the Senate February 26, 1987.
Adopted by the House March 20, 1987.

(S.C.R. No. 108)

A CONCURRENT RESOLUTION
APPROVING CHANGES, DELETIONS AND ADDITIONS TO THE STATE WATER PLAN REVISED BY THE WATER RESOURCE BOARD ON DECEMBER 12, 1986.

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

WHEREAS, Section 7 of Article XV of the Constitution of the State of Idaho empowers the Idaho Water Resource Board to formulate and implement a State Water Plan for optimum development of water resources in the public interest; and

WHEREAS, the Idaho Water Resource Board, by the authority of Section 42-1734, Idaho Code, shall formulate a program for use of all unappropriated water resources of this state, based upon studies and public hearings; and

WHEREAS, the State Water Plan was adopted by the Idaho Water Resource Board pursuant to Section 42-1734, Idaho Code, and was most recently revised on December 12, 1986; and

WHEREAS, Policy 4 relating to Unrecorded Water Rights; Policy 14 relating to Water Claims by Indian tribes; Policy 17 relating to State Administration of Federal Programs; Policy 18 relating to combined Applications for Water Resources; Policy 19 relating to a Legislative Committee on the State Water Plan; Policy 20 relating to Land Development; Policy 27 relating to a Fish and Game Plan; Policy 32H relating to Pollution Control; Policy 35 relating to a State Natural River Designation; Policy 36 relating to the St. Joe River; Policy 37 relating to South Fork of the Coeur d'Alene River; Policy 42 relating to the Federal Energy Regulatory Commission License; and Policy 43 relating to Joint State-Federal Hydropower Development were deleted in the December 12, 1986, revision.

WHEREAS, New Policies 1F, 1G, 1H, 2E, 4L, and 5K were added to the State Water Plan by the Water Resource Board December 12, 1986.

WHEREAS, Article XV, Section 7, of the Constitution of the State of Idaho, provides that any change in the State Water Plan shall be submitted to the Legislature during the First Regular Session following the change.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and House of Representatives concurring therein that the changes in the following policies of the State Water Plan revised by the Water Resource Board on December 12, 1986, be approved: Policies 1A, 1B, 1C, 1D, 1E, 1I, 1J, 2A, 2B, 2C, 2D, 3A, 3B, 3C, 3D, 3E, 3F, 3G, 3H, 4A, 4B, 4C, 4D, 4E, 4F, 4G, 4H, 4I, 4J, 4K, 5A, 5B, 5C, 5D, 5E, 5F, 5G, 5H, 5I, 5J, 6A, 6B, 6C, 7A, 7B, 7C, 7D and 7E.

BE IT FURTHER RESOLVED that the deletions by the Idaho Water Resource Board in the State Water Plan of the following policies on December 12, 1986, be approved: Policies 4, 14, 17, 18, 19, 20, 27, 32H, 35, 36, 37, 42 and 43.

BE IT FURTHER RESOLVED that the following new policies be approved: Policies 1F, 1G, 1H, 2E, 4L and 5K.

POLICY 1F -- Ground and Surface Water Connection

IT IS THE POLICY OF IDAHO THAT WHERE EVIDENCE OF HYDROLOGIC CONNECTION EXISTS BETWEEN GROUND AND SURFACE WATER, THEY BE MANAGED AS A SINGLE RESOURCE.

POLICY 1G -- Withdrawal of Ground Water

IT IS THE POLICY OF IDAHO THAT PUMPED DEPLETIONS IN AN AQUIFER SHOULD NOT EXCEED THE ANTICIPATED RATE OF FUTURE RECHARGE TO THAT AQUIFER. IN THOSE INSTANCES WHERE AN AQUIFER IS RECHARGED SO SLOWLY THAT ANY DEVELOPMENT WOULD RESULT IN WITHDRAWALS EXCEEDING RECHARGE, THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES SHOULD HAVE THE AUTHORITY TO ESTABLISH AN AQUIFER MANAGEMENT PLAN THAT RECOGNIZES THE EVENTUAL DEPLETION OF THE RESOURCE.

POLICY 1H -- Ground-Water Quality

IT IS THE POLICY OF IDAHO THAT GROUND WATER BE PROTECTED AGAINST UNREASONABLE CONTAMINATION OR DETERIORATION IN QUALITY, THEREBY MAINTAINING THE SUITABILITY OF SUCH WATERS FOR APPROPRIATE BENEFICIAL USES.

POLICY 2E -- Watersheds

IT IS THE POLICY OF IDAHO TO ENCOURAGE LAND-USE PRACTICES WHICH PROTECT THE QUALITY AND QUANTITY OF THE WATER RESOURCE.

POLICY 4L -- Coordinated Use

IT IS THE POLICY OF IDAHO THAT, WHEN PUBLIC INTEREST CRITERIA ARE MET, OPTIMUM BENEFICIAL USE OF A WATER RESOURCE SHALL BE ENCOURAGED. OPTIMUM BENEFICIAL USE SHALL BE ACHIEVED THROUGH THE INTEGRATION AND COORDINATION OF USE OF WATER AND BY AUGMENTATION OF EXISTING SUPPLIES.

POLICY 5K -- Water Quality of the Snake Plain Aquifer

IT IS THE POLICY OF IDAHO THAT THE STATE SHOULD DEVELOP AND ADMINISTER A PROGRAM TO PROTECT THE QUALITY OF THE WATER IN THE SNAKE PLAIN AQUIFER.

Adopted by the Senate March 3, 1987.
Adopted by the House March 12, 1987.

(S.C.R. No. 109)

A CONCURRENT RESOLUTION

PROVIDING LEGISLATIVE AUTHORIZATION AND PROVIDING APPROVAL FOR THE ADMINISTRATOR OF THE DIVISION OF PUBLIC WORKS OF THE DEPARTMENT OF ADMINISTRATION OF THE STATE OF IDAHO TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY OR WITH PRIVATE PARTIES TO PROVIDE FINANCING TO CONSTRUCT AND EQUIP CORRECTIONAL FACILITIES.

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

WHEREAS, the Legislature of the State of Idaho is aware of the serious nature of the situation now existing regarding the number of inmates confined in this state's prison facilities; and

WHEREAS, the Legislature has appropriated $8,000,000 for Phase One of a maximum security penitentiary; and

WHEREAS, the Permanent Building Fund Advisory Council and the State Board of Correction have selected the Boise area as the site for a 248 bed maximum security penitentiary; and

WHEREAS, the Permanent Building Fund Advisory Council and the State Board of Correction have authorized the construction of additional facilities at the Idaho Correctional Institution-Orofino to house 100 additional inmates in a medium security setting; and

WHEREAS, the Permanent Building Fund Advisory Council and the State Board of Correction have authorized the renovation of existing medical facilities at the Idaho Correctional Institution-Boise; and

WHEREAS, the amounts appropriated and available are not sufficient to cover all of the anticipated costs associated with these facilities in a timely manner; and

WHEREAS, it is imperative and necessary that these correctional facilities be placed in service at the earliest time.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Division of Public Works of the Department of Administration is authorized to enter into an agreement or agreements with the Idaho State Building Authority or with private parties, upon such terms and conditions as may be reasonable and necessary, for the purpose of planning, designing, financing, constructing, and equipping correctional facilities or for the additional financing for correctional facilities for the State Board of Correction.

BE IT FURTHER RESOLVED that the Division of Public Works and the Permanent Building Fund Advisory Council shall be responsible for the planning, design and construction of such facilities.

BE IT FURTHER RESOLVED that this Resolution shall for all purposes constitute prior legislative approval, in accordance with all applicable laws, with respect to the agreement or agreements and the facilities referred to herein.

Adopted by the Senate February 25, 1987.
Adopted by the House March 16, 1987.

(S.C.R. No. 114)

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

WHEREAS, the Water Resource Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

WHEREAS, under the provisions of section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively acted upon by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of the Henrys Fork River for minimum streamflow purposes, which Permit No. 21-7282 was approved by the Director of the Department of Water Resources in a Memorandum Decision and Order dated May 12, 1983, authorizing the appropriation of a minimum flow divided into two reaches:

(1) Upper Reach - The reach of the Henrys Fork River beginning 200 yards downstream from the confluence of the Henrys Fork River with the Buffalo River in the NW1/4NW1/4, Section 33, Township 13 North, Range 43 East, Boise Meridian, and ending where the Henrys Fork River intersects the section line between Section 13 and Section 14, Township 10 North, Range 43 East, Boise Meridian, authorizing the appropriation from January 1 through December 31, the lesser of 300 cubic feet per second or the flow from the Buffalo River and other tributary flows throughout the upper reach; and (2) Lower Reach - The reach of the Henrys Fork River beginning at the section line between Section 13 and Section 14, Township 10 North, Range 43 East, Boise Meridian, and ending in the SE1/4NE1/4, Section 25, Township 10 North, Range 43 East, Boise Meridian, authorizing the appropriation of the lesser of 300 cubic feet per second or the flow from the Buffalo River and other tributary flows throughout the minimum streamflow reaches from October 1 through March 31, increasing to 1,000 cubic feet per second from April 1 through September 30; all of which is located within the confines of Fremont County, Idaho; and

The same is hereby approved subject to the conditions and limitations contained in the Memorandum Decision and Order of the Director of the Department of Water Resources dated May 12, 1983.

Adopted by the Senate March 4, 1987.
Adopted by the House March 23, 1987.

(S.C.R. No. 115)

A CONCURRENT RESOLUTION

TO THE ADMINISTRATOR OF THE DIVISION OF INSURANCE MANAGEMENT REQUESTING ADJUSTMENT OF RETIREES' MEDICAL INSURANCE PREMIUMS.

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

WHEREAS, recent changes in medical insurance coverage and premiums charged for retired state employees appear disproportionate to other forms of insurance available; and

WHEREAS, it is the intent of the Legislature that, pending further study and recommendations, retired state employees be treated in as fair and uniform a manner as is possible.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Administrator of the Division of Insurance Management is hereby requested to offer medical, surgical and hospital insurance plans to retired state employees comparable to those available from private insurers at premium levels that would be charged to individuals who could provide evidence of good health, and to utilize such resources as are available to the Administrator to partially offset the costs of such program.

Adopted by the Senate March 16, 1987.
Adopted by the House March 31, 1987.

(S.C.R. No. 116)

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF MEDICAL INSURANCE COSTS OF RETIRED PUBLIC EMPLOYEES.

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

WHEREAS, there are some thousands of retired public employees in the state of Idaho receiving medical insurance benefits from a variety of insurance carriers or plans; and

WHEREAS, these insurance plans have been and are funded from a number of different sources with varying degrees of individual participation; and

WHEREAS, there is little empirical data available to allow sound and reasonable decisions to be made on the extent of medical insurance coverage available to retirees, the costs of coverage, and the source or sources of funding for such insurance coverage.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House

of Representatives concurring therein, that the Legislative Council is authorized and directed to establish a committee consisting of five Senators, three from the majority party and two from the minority party, and five Representatives, three from the majority party and two from the minority party, to undertake and complete a study:

(1) To identify and evaluate existing retiree medical benefit plans currently available to retirees of publicly funded entities, including but not necessarily limited to, public school districts, the universities and colleges, and state employees;

(2) To evaluate all funding mechanisms for continuation of retiree medical insurance coverage, and the short term and long term fiscal impacts of each; and

(3) To investigate such other aspects of retiree medical insurance coverage as may be appropriate.

BE IT FURTHER RESOLVED that the Legislative Council shall report the Committee's findings and recommendations to the Second Regular Session of the Forty-ninth Idaho Legislature.

Adopted by the Senate March 12, 1987.
Adopted by the House March 30, 1987.

(S.C.R. No. 120)

A CONCURRENT RESOLUTION
PROVIDING LEGISLATIVE AUTHORIZATION AND PROVIDING APPROVAL FOR THE ADMINISTRATOR OF THE DIVISION OF PUBLIC WORKS OF THE DEPARTMENT OF ADMINISTRATION OF THE STATE OF IDAHO TO ENTER INTO AN AGREEMENT OR AGREEMENTS WITH THE IDAHO STATE BUILDING AUTHORITY TO REFINANCE THE COSTS OF RENOVATION AND RELATED COSTS AT THE INDUSTRIAL ADMINISTRATION BUILDING LOCATED AT 317 MAIN STREET, BOISE, IDAHO.

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

WHEREAS, the Idaho Legislature has declared it to be "to the economic benefit of the citizens of the State of Idaho to provide sufficient office space and necessary related facilities, for such governmental bodies and thus provide a more efficient and more economical operation of state government," as provided by Section 67-6404, Idaho Code; and

WHEREAS, continuing increases in building costs make it advantageous to renovate existing facilities and restore the facilities to provide usable office space that can be utilized by state government to the economic benefit of the citizens of the

State of Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Division of Public Works of the Department of Administration of the State of Idaho is authorized to enter into an agreement or agreements with the Idaho State Building Authority, upon such terms and conditions as may be reasonable and necessary, for the purpose of refinancing building renovation and related facilities of the State of Idaho located at 317 Main Street, Boise, Idaho, and for the purpose of providing efficient and modern office and related facilities for use in the operation of state government.

BE IT FURTHER RESOLVED that this Resolution shall for all purposes constitute prior legislative approval, in accordance with Section 67-6410, Idaho Code, with respect to the agreement or agreements and the facilities referred to herein.

Adopted by the Senate March 21, 1987.
Adopted by the House March 31, 1987.

(S.C.R. No. 121)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS REGARDING AN ANTIDEGRADATION POLICY FOR NONPOINT SOURCES OF POLLUTION TO IDAHO WATERS, TO PROVIDE FOR THE APPOINTMENT OF LEGISLATORS TO SERVE AS POLICY ADVISORS TO THE NONPOINT SOURCE INTERAGENCY TEAM, AND TO PROVIDE LEGISLATIVE INTENT REGARDING THE DUTIES OF THE NONPOINT SOURCE INTERAGENCY TEAM AND THE DEPARTMENTS OF LANDS AND HEALTH AND WELFARE REGARDING AN ANTIDEGRADATION POLICY FOR NONPOINT SOURCES.

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

WHEREAS, maintaining quality water is vital to the citizens of the State of Idaho; and

WHEREAS, resource development and proper resource use also is vital to the citizens of the State of Idaho; and

WHEREAS, the Federal Water Pollution Control Act and its subsequent amendments provide flexibility in setting policies and standards necessary to meet the objectives of the Act, and vests this responsibility in state legislatures and appropriate state agencies; and

WHEREAS, the State of Idaho wishes to retain and exercise this flexibility.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that it is appropriate for the State to adopt an antidegradation policy for

nonpoint sources which is consistent with the Idaho Environmental Protection and Health Act (Sections 39-101 through 39-118, Idaho Code) and regulations developed under the Federal Water Pollution Control Act (CFR 131.12), and that because of the impact of this policy on the economic and environmental well-being of the state, certain aspects of the antidegradation policy for nonpoint sources and its implementation are best addressed through appropriate legislative actions.

BE IT FURTHER RESOLVED that the appropriate legislative actions may include:

1. A legislative review of the economic and environmental criteria by which stream segments are designated outstanding (no further degradation allowed) or special (degradation allowed only after public involvement);

2. A legislative designation of streams to be placed in either the outstanding or special categories;

3. A formal process for public involvement regarding the management of special resource waters; and

4. A formal process for resolving concerns related to the protection of streams which are designated in the special or outstanding categories.

BE IT FURTHER RESOLVED, that in order to assess the various aspects of the nonpoint source policy and its implementation which may require future legislative action, the President Pro Tempore of the Senate shall appoint not more than three (3) members of the Senate and the Speaker of the House of Representatives shall appoint not more than three (3) members of the House of Representatives to serve as policy advisors to the Nonpoint Source Interagency (NPSI) team appointed by the Governor.

BE IT FURTHER RESOLVED that the potential development of this nonpoint source policy and accompanying implementation procedures through appropriate legislation notwithstanding, the NPSI team and the Departments of Lands and Health and Welfare should utilize the normal rulemaking process with a goal of creating an antidegradation policy for nonpoint sources and presenting an implementation procedure to the Legislature for its final approval or such other action as the Legislature deems necessary by February 15, 1988.

Adopted by the Senate March 21, 1987.
Adopted by the House March 26, 1987.

(S.C.R. No. 122)

A CONCURRENT RESOLUTION

DIRECTING TO THE IDAHO MEMBERS OF THE PACIFIC NORTHWEST ELECTRIC POWER AND CONSERVATION PLANNING COUNCIL A STATEMENT OF LEGISLATIVE INTENT THAT THE COLUMBIA BASIN FISH AND WILDLIFE PROGRAM BE AMENDED TO DESIGNATE THE WEISER RIVER GALLOWAY PROJECT AS AN ACTION ITEM IN THE PROGRAM'S FIVE YEAR ACTION PLAN, AND DIRECTING TO THE UNITED STATES ARMY CORPS OF ENGINEERS A STATEMENT OF LEGISLATIVE INTENT THAT THE PENDING FEASIBILITY STUDY OF THE WEISER RIVER GALLOWAY PROJECT BE PROMPTLY RESOLVED.

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

WHEREAS, Idaho's salmon and steelhead resources are an integral part of the state's natural heritage, provide important recreational fishing opportunities and are vital to Idaho's recreation industry; and

WHEREAS, a major reason for the drastic decline of Idaho salmon and steelhead stocks, particularly wild stocks, is the lack of sufficient river flows to carry juvenile salmon and steelhead past the hydroelectric dams on the Columbia and Snake Rivers in a biologically timely manner; and

WHEREAS, the proposed Weiser River Galloway Project may provide important benefits to Idaho's salmon and steelhead resources by supplying water storage capacity for the purpose of augmenting river flows during the salmon and steelhead spring downstream migration; and

WHEREAS, the proposed Weiser River Galloway Project could provide other significant benefits to local communities including, but not limited to, solving the substantial flood control problems on the floodplain in the lower 13 miles of the Weiser River, generating hydroelectric power, providing new recreational opportunities, controlling erosion, improving water quality and resident fish habitat, enhancing the effectiveness of existing water diversions on the lower Weiser River, and stabilizing water supplies for future irrigation development; and

WHEREAS, the Weiser River Galloway Project could serve to lessen potential conflicts between providing flows in the lower Snake River for salmon and steelhead migration and satisfying upstream appropriative water uses; and

WHEREAS, the adverse environmental effects of the Weiser River Galloway Project are negligible; and

WHEREAS, the Weiser River Galloway Project has the support of the Governor of Idaho, the Idaho Water Resource Board, the Idaho Department of Water Resources, the Idaho Water Users Association, the Idaho Department of Fish and Game, and numerous other entities; and

WHEREAS, the Pacific Northwest Electric Power and Conservation Planning Council is directed by the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. section 839 et seq., to protect, mitigate and enhance the fish and wildlife of the Columbia River Basin through the development of the Columbia Basin Fish and Wildlife

Program.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that this statement of legislative intent be directed to the Idaho members of the Pacific Northwest Electric Power and Conservation Planning Council for the purpose of seeking an amendment, pending findings that the Galloway Project is economically feasible and consistent with the provisions of the Northwest Power Act, to the Columbia Basin Fish and Wildlife Program to include the Weiser River Galloway Project as an action item in the program's present Five Year Action Plan, to be funded at a level that recognizes the project's fisheries benefits.

BE IT FURTHER RESOLVED that this statement of legislative intent be also directed to the United States Army Corps of Engineers for the purpose of seeking the prompt resolution of the pending feasibility study of the Weiser River Galloway Project.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Resolution to the members of the Pacific Northwest Electric Power and Conservation Planning Council, to the United States Army Corps of Engineers, to the Governor of the State of Idaho, to the President of the United States, to the Bonneville Power Administration, to the Senators and Representatives representing the State of Idaho in the Congress of the United States, and to the governors and legislatures of the states of Montana, Oregon and Washington.

Adopted by the Senate March 23, 1987.
Adopted by the House March 31, 1987.

(S.C.R. No. 123)

A CONCURRENT RESOLUTION
HONORING THE 200TH ANNIVERSARY OF THE CONSTITUTION OF THE UNITED STATES.

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

WHEREAS, in 1987, the citizens of this great nation celebrate the 200th Anniversary of the Constitution of the United States; and

WHEREAS, delegates gathered in Philadelphia in May, 1787, signed the product of their work on September 17, 1787, and submitted the document with their letter of transmission to the Congress on September 28, 1787; and

WHEREAS, on September 13, 1788, eleven original states had ratified the Constitution and the day March 4, 1789 was officially designated for commencement of its operation; and

WHEREAS, through positive responses to the tests and trials of issues and challenges, the Constitution has truly created "a more perfect union" and has emerged as a document proven for our times; and

WHEREAS, the Constitution is a visionary document incorporating

concepts now known as limited government, checks and balances, separation of powers, judicial review and federalism, amazing in their originality and simplicity and remarkable in their operation; and

WHEREAS, it is appropriate that the Legislature of the State of Idaho, on behalf of the citizens of this, the Forty-third state of the United States, join in the celebration of our freedoms represented by the national celebration of the 200th Anniversary of the Constitution.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we honor the occasion of the 200th Anniversary of the Constitution of the United States. We encourage the citizens of Idaho to individually and collectively celebrate our unique and unparalleled heritage by increasing our knowledge of and appreciation for this most precious document, the Constitution of the United States.

Adopted by the Senate March 25, 1987.
Adopted by the House March 31, 1987.

(S.C.R. No. 124)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE AND RECOMMENDING AND IMPLORING AND ENCOURAGING A MINIMUM STARTING SALARY FOR TEACHERS.

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

WHEREAS, the First Regular Session of the Forty-ninth Idaho Legislature has authorized a substantially increased appropriation for public education in Idaho; and

WHEREAS, this appropriation provides for nearly thirty million dollars in new funds to be used at the discretion of local school boards; and

WHEREAS, it is the sense of the Legislature that existing teachers' pay schedules encompass wide disparities between the salaries of beginning teachers and those who are at the top end of the schedules; and

WHEREAS, it is the strong desire of the Legislature that beginning teachers' salaries be raised to a level more competitive with other employment opportunities.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we strongly recommend and implore and encourage each school board of trustees in Idaho to revise its teachers' pay schedule to provide that no Idaho teacher start his or her employment at a salary of less than $15,000 per year.

Adopted by the Senate March 30, 1987.
Adopted by the House March 30, 1987.

HOUSE CONCURRENT RESOLUTIONS

(H.C.R. No. 1)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE FORTY-NINTH 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 First Regular Session of the Forty-ninth Idaho Legislature in the Chamber of the House of Representatives at 1 p.m. on Monday, January 12, 1987.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth 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 12, 1987, at 1 p.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 12, 1987.
Adopted by the Senate January 12, 1987.

(H.C.R. No. 2)

A CONCURRENT RESOLUTION

PROVIDING FOR A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE FIRST REGULAR SESSION OF THE FORTY-NINTH 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 First Regular Session of the Forty-ninth Idaho Legislature in the Chamber of the House of Representatives at 11 a.m. on Wednesday, January 14, 1987.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the House of Representatives and the Senate meet in Joint Session on Wednesday, January 14, 1987, at 11 a.m. for the purpose of hearing the message from the Governor.

Adopted by the House January 13, 1987.
Adopted by the Senate January 14, 1987.

(H.C.R. No. 3)

A CONCURRENT RESOLUTION
PROVIDING FOR OFFSET PRINTING OF HOUSE AND SENATE BILLS, RESOLUTIONS, MEMORIALS AND AMENDMENTS, AND FIXING THE PRICE FOR PRINTING THE SAME.

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

WHEREAS, the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee have, according to law, made provisions for the offset printing of the House and Senate bills, resolutions, memorials and amendments;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee;

BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the offset printing of the House and Senate bills, resolutions, memorials and amendments, in accordance with the provisions of law and in accordance with the written contract between the Joint Committee as party of the first part, and BEST IMPRESSION PRINTING, Boise, Idaho, as party of the second part, be, and the same is hereby ratified and concurred in, and is incorporated herein, and made a part of this resolution in words and figures following, to-wit:

PRINTING AGREEMENT

THIS AGREEMENT, made and entered into this 12th day of January, 1987, by and between the SENATE JUDICIARY AND RULES COMMITTEE and the HOUSE JUDICIARY, RULES AND ADMINISTRATION COMMITTEE of the First Regular Session of the Forty-ninth Idaho Legislature, hereinafter referred to as the Joint Committee, and BEST IMPRESSION PRINTING, hereinafter referred to as Best Impression.

WITNESSETH:

That pursuant to written bids submitted to and considered by the Joint Committee, a contract for legislative printing is hereby awarded

to Best Impression in accordance with its letter response dated December 2, 1986, included as Attachment A, for the First and Second Regular Sessions and any Extraordinary Sessions of the Forty-ninth Legislature upon the following additional terms and conditions:

1. That Best Impression will utilize an offset process from "Camera Ready" copies, as these terms are used and recognized in the trade, to print Senate and House bills, resolutions, and memorials.

2. That Best Impression concurrently with the execution of this contract, deliver to the Joint Committee a good and sufficient surety bond in the manner and form, and with a surety acceptable to the Joint Committee, in the sum of five thousand dollars ($5,000), guaranteeing the satisfactory and faithful performance by Best Impression of all the terms and conditions of this contract.

3. That Best Impression will maintain at all times a high standard of workmanship to the end that all printing will be neat, clean, legible and with adequate contrast between print and paper to be easily read.

4. That Best Impression will produce all bills, resolutions and memorials with line and page numbering.

5. That Best Impression will insure that all bills, resolutions, and memorials will have neat and proper underlining, strikeovers and deletions and that the paper will be properly punched and sized.

6. That for the purposes of this contract, all printing will be received from and delivered to the presiding officer of each house or his designee.

7. That Best Impression will deliver all standard lot printed material conforming to the above requirements by 9:00 a.m. the next morning after receipt of copy, unless prior arrangements have been made.

8. Upon failure to deliver such bills in the manner and within the time herein specified, this contract may be deemed terminated forthwith at the option of the Joint Committee and recourse had against Best Impression bond.

9. That a standard lot of printed material will be eight hundred (800) copies or less of individual bills, resolutions or memorials at a cost of seventeen dollars and ninty cents ($17.90) per printed page. Additional copies may be obtained by the Joint Committee at the rate of two dollars and twenty cents ($2.20) per printed page in units of one hundred (100).

10. That Best Impression will pick up "Camera Ready" copy at least twice daily of each day that the Legislature is in session.

11. That Best Impression will make available to and sell to the general public any bill, resolution or memorial in lots of one hundred (100) copies at a cost of two dollars and twenty cents ($2.20) per printed page, provided the order for such is received prior to the time the bill is printed.

12. That the Joint Committee reserves to itself the sole and exclusive decision as to the proper fulfillment of the terms and conditions of this agreement by Best Impression, and that the Joint Committee may terminate this agreement upon twenty-four hours' notice to Best Impression, with no liability accruing to the Joint Committee or the State except for printing already completed and delivered. The

Joint Committee reserves the right to review and revise this contract prior to the Second Regular Session of the Forty-ninth Legislature of the State of Idaho.

IN WITNESS WHEREOF, the parties hereto have hereunder set their hands as of the day and year first above written.

SENATE JUDICIARY AND RULES COMMITTEE

By Roger Fairchild
ROGER FAIRCHILD, Chairman

By James E. Risch
JAMES E. RISCH, President Pro Tempore

HOUSE JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

By Don C. Loveland
DON C. LOVELAND, Chairman

By Tom Boyd
TOM BOYD, Speaker of the House

BEST IMPRESSION PRINTING

By Richard W. Flintzer
RICHARD W. FLINTZER, Owner

ATTACHMENT A

TO: Phyllis Watson, Chief Clerk
House of Representatives
State of Idaho

FROM: Richard W. Flintzer, Owner
Best Impression Printing
1014 LaPointe
Boise, Idaho 83706

SUBJECT: Bid for printing Senate and House
Bills for the 49th Idaho Legislature

For the basic 800 copies per page	$17.90
For each additional 100 copies per page	$ 2.20

/s/ Richard W. Flintzer
Owner, Best Impression Printing

Adopted by the House February 6, 1987.
Adopted by the Senate March 10, 1987.

(H.C.R. No. 4)

A CONCURRENT RESOLUTION
ADOPTING FINDINGS OF A JOINT COMMITTEE ON REVENUE PROJECTIONS.

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

WHEREAS, the Legislature appointed a joint committee of the House of Representatives and the Senate to study the revenue available to the state for the 1988 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 First Regular Session of the Forty-ninth 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 1987-1988 fiscal year.

Revenue Projections for 1987-1988 fiscal year:

Court System	$ 3,000,000
Secretary of State	1,340,000
State Treasurer	6,500,000
Department of Finance	180,000
Department of Insurance	22,000,000
Department of Lands	180,000
Department of Law Enforcement	1,035,000
Department of Revenue and Taxation:	
Individual Income Tax	271,000,000
Corporate Income Tax	47,000,000
Kilowatt Hour Tax	2,000,000
Beer Tax	1,700,000
Mine License Tax	600,000
Wine Tax	950,000
Cigarette Tax	5,900,000
Unclaimed Property	700,000
Miscellaneous Agencies and Transfers	800,000
Liquor	4,945,000
Sales Tax	216,000,000*
TOTAL	$585,830,000

* Includes an estimated $5,500,000 collected in June, 1987, and remitted in July 1987.

Adopted by the House February 2, 1987.
Adopted by the Senate February 6, 1987.

(H.C.R. No. 5)

A CONCURRENT RESOLUTION
ADOPTING FINDINGS OF A JOINT COMMITTEE ON REVENUE PROJECTIONS.

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

WHEREAS, the Legislature appointed a joint committee of the House of Representatives and the Senate to study the revenue available to the state for the 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 First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring, that we find the following 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	7,000,000
Department of Insurance	21,600,000
Department of Lands	180,000
Department of Law Enforcement	1,100,000
Department of Revenue and Taxation:	
Individual Income Tax	266,000,000
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	265,000,000*
TOTAL	$626,775,000

* Includes $61,000,000 derived from additional 1% rate

Adopted by the House February 2, 1987.
Adopted by the Senate February 6, 1987.

(H.C.R. No. 6)

A CONCURRENT RESOLUTION
AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO UNDERTAKE AND COMPLETE A STUDY OF THE MEDICAID PROGRAM.

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

WHEREAS, the Medicaid program is one of the major programs administered and funded by the State of Idaho; and

WHEREAS, the costs of the program, the eligibility requirements for participation in the program, and the quality of care provided under the program are all matters of concern for the citizens of our state.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is directed to establish a committee to undertake and complete a thorough study of the Medicaid program in Idaho. The Committee appointed by the Legislative Council shall comprehensively examine and evaluate all of the components of the Medicaid program, and make specific recommendations and suggestions.

BE IT FURTHER RESOLVED that the Legislative Council shall report the Committee's findings and recommendations to the Second Regular Session of the Forty-ninth Idaho Legislature.

Adopted by the House February 11, 1987.
Adopted by the Senate February 20, 1987.

(H.C.R. No. 7)

A CONCURRENT RESOLUTION
STATING LEGISLATIVE FINDINGS AND DIRECTING THE LEGISLATIVE COUNCIL TO ESTABLISH A COMMITTEE TO REVIEW INDIAN AFFAIRS ISSUES.

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

WHEREAS, there are Indian tribes in the State of Idaho with unique rights which are inherent or acknowledged by treaties, statutes or case law and these tribes are recognized by the United States as sovereign dependent nations; and

WHEREAS, due to the unique character of tribal governments, there are many complex issues relating to law enforcement, water rights, zoning and land use, natural resources, wildlife management, health and welfare services, education, and taxation which should continue to be addressed in a coordinated manner by legislative bodies of federal, state and tribal governments; and

WHEREAS, the United States Congress, as the ultimate authority on

Indian tribes, has not acted in a decisive manner to resolve many of these legal, social and economic issues relating to Indian tribes in Idaho; and

WHEREAS, The Legislature of the State of Idaho and tribal councils of the five Idaho Indian tribes have started a successful effort toward resolving these complex issues through cooperation, negotiation, and mutual agreement; and

WHEREAS, failure to address Indian affairs issues will result in expensive court litigation which has strained tribal-state relations in the past and has not satisfactorily resolved any of these important issues; and

WHEREAS, it is the goal of the Legislature of the State of Idaho to address current Indian affairs issues through coordinated legislative action based upon improved communications and better understanding between the federal, state and tribal governments; and

WHEREAS, the Legislative Council Committee on Indian Affairs in meeting in 1983 and 1984, studied Indian affairs issues and determined that it would be beneficial for a special joint committee of the Legislature to continue to meet with tribal and federal government representatives in order to address important issues of mutual concern.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council shall appoint a committee comprised of eight members to review Indian affairs issues. This committee shall consist of four members of the Senate and four members of the House of Representatives, with consideration given in appointing members to the Committee to achieve a geographical balance and with consideration given to individuals who have served on the previous Indian Affairs Committees.

BE IT FURTHER RESOLVED that the Committee may seek opinions of and information from the various Indian tribes, both jointly and individually, state agencies, local government, citizens living on or near Indian reservations and other interested persons and entities, to assist the Committee in its deliberations as the members deem appropriate for studying Indian-related issues of the various tribes in Idaho.

BE IT FURTHER RESOLVED that the Committee shall initially give priority to Indian affairs issues and may recommend legislation and suggest solutions to resolve those issues.

BE IT FURTHER RESOLVED that the Legislative Council shall report the Committee's findings, recommendations and, if appropriate, legislation to the First Regular Session of the Fiftieth Idaho Legislature and that the Legislative Council shall submit a progress report of the Committee to the Second Regular Session of the Forty-ninth Idaho Legislature.

Adopted by the House February 19, 1987.
Adopted by the Senate February 25, 1987.

(H.C.R. No. 8)

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

WHEREAS, the Water Resources Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

WHEREAS, under the provisions of section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively acted upon by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of the Big Wood River for minimum streamflow purposes, which permit No. 37-7919 was approved by the Director of the Department of Water Resources in an Amended Memorandum Decision and Order dated January 16, 1987, authorizing the appropriation of seventy cubic feet per second on the reach of the Big Wood River from the point of diversion of the Bellevue Canal located in the SW1/4, NW1/4, Section 36, Township 2 North, Range 18 East B.M., upstream approximately eighteen miles to the confluence with Warm Springs Creek in the SE1/4, NW1/4, Section 13, Township 4 North, Range 17 East, B.M., Blaine County, and the same is hereby subject to the conditions and limitations contained in the Amended Memorandum Decision and Order of the Director of the Department of Water Resources dated January 16, 1987.

Adopted by the House March 2, 1987.
Adopted by the Senate March 24, 1987.

(H.C.R. No. 9)

A CONCURRENT RESOLUTION
APPROVING AN APPLICATION TO APPROPRIATE WATER FOR MINIMUM STREAMFLOW.

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

WHEREAS, the Water Resources Board may apply for a permit to appropriate unappropriated waters of any stream for minimum streamflow; and

WHEREAS, under the provisions of section 42-1503, Idaho Code, no permit shall become finally effective until affirmatively acted upon by the Legislature.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House

of Representatives concurring therein, that the approved application for a permit of the Water Resource Board to appropriate the unappropriated waters of Silver Creek for minimum streamflow purposes, which Permit No. 37-7849 was approved by the Director of the Department of Water Resources in a Memorandum Decision and Order dated January 16, 1987, authorizing the appropriation of seventy-four cubic feet per second on the reach of Silver Creek which extends from the point where it crosses U.S. Highway No. 93 in the NW1/4, SE1/4, Section 20, Township 2 South, Range 21 East, B.M., downstream to the confluence of Silver Creek and the Little Wood River in Lot 5, Section 6, Township 3 South, Range 21 East, B.M., Blaine County, and the same is hereby approved subject to conditions and limitations contained in the Memorandum Decision and Order of the Director of the Department of Water Resources dated January 16, 1987.

Adopted by the House March 2, 1987.
Adopted by the Senate March 25, 1987.

(H.C.R. No. 12)

A CONCURRENT RESOLUTION
STATING FINDINGS OF THE LEGISLATURE CONCERNING USAGE OF STATE PARKS BY IDAHO RESIDENTS.

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

WHEREAS, Idaho's state parks are one of the many benefits enjoyed by persons residing in the State of Idaho; and

WHEREAS, Idaho residents wishing to stay overnight in some of Idaho's state parks are finding it more and more difficult to do so; and

WHEREAS, it should be the goal of the State of Idaho to encourage tourism but not at the expense of totally depriving Idaho residents from using our state parks.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we hereby request the Idaho Parks and Recreation Board and the Department of Parks and Recreation to promulgate rules and regulations setting up a reservation by mail system which would allow Idaho residents first consideration in obtaining reservations over nonresidents whose request for reservations is received on the same date. Such preference would continue for the first three calendar months of the year, after which all reservations will be handled on a first come, first served basis.

Adopted by the House March 4, 1987.
Adopted by the Senate March 24, 1987.

(H.C.R. No. 14)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND DIRECTING THE LEGISLATIVE COUNCIL TO ESTABLISH A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE EDUCATIONAL SUPPORT PROGRAM.

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

WHEREAS, the Legislature is cognizant of its responsibility as a participant in providing educational opportunity to students of this state; and

WHEREAS, the Legislature wishes to be responsive to the constitutional mandate ". . .to establish and maintain a general, uniform and thorough system of public, free common schools"; and

WHEREAS, evidence presented to the Legislature brings into question the uniformity of the present educational support program and its impact upon the districts and students throughout this state; and

WHEREAS, this issue warrants comprehensive and exhaustive consideration in order to assure that the system is the most efficient and effective and obtains the greatest measure of equity possible.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized and directed to appoint a committee to undertake and complete a study of the educational support program with special attention to achieving maximum equity in the distribution of state funds for educational support. The study should consider all proposals which have been before the Legislature and any others which warrant study.

BE IT FURTHER RESOLVED that the Committee shall report its findings, with recommended legislation, to achieve greater equity in the existing distribution formula, to the Second Regular Session of the Forty-ninth Idaho Legislature.

Adopted by the House March 12, 1987.
Adopted by the Senate March 21, 1987.

(H.C.R. No. 15)

A CONCURRENT RESOLUTION

STATING LEGISLATIVE POLICIES ON PAY POLICIES FOR STATE EMPLOYEES.

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

WHEREAS, the Legislature has by law provided that the Governor and the Idaho Personnel Commission report to the Legislature their recommendations for proposed personnel policies, together with estimated

costs thereof; and

WHEREAS, the Legislature has received and reviewed the report of the Governor dated January 14, 1987, and the report of the Idaho Personnel Commission dated October 1, 1986; and

WHEREAS, the Legislature recognizes the need to maintain spending patterns of state government within established guidelines; and

WHEREAS, the Legislature recognizes the necessity to maintain the internal equity of its classification and compensation structure.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that:

1. Recommendation No. 1 of the Personnel Commission and concurred with by the Chief Executive is hereby adopted.

2. Recommendation No. 2 of the Idaho Personnel Commission is rejected.

3. That portion of Recommendation No. 2 of the Chief Executive as it pertains to state employees to provide a 5% across-the-board salary increase is rejected.

4. A 4% payline adjustment is granted.

   (a) The mathematical expression for this 4% payline adjustment is:
   Positions with 0 to 320 job evaluation points - Hourly rate = $.023417 per point plus $3.1066.
   Positions with 321 points or more - Hourly rate = $.014445 per point plus $6.3832.

   (b) The effective date of implementation of this salary adjustment shall be September 20, 1987.

   (c) The Joint Finance-Appropriations Committee is directed to fully fund the cost of these salary adjustments in their appropriations to agencies.

BE IT FURTHER RESOLVED that appropriation measures to fund nonclassified employees be prepared in as nearly as possible the same manner as for classified employees.

Adopted by the House February 23, 1987.
Adopted by the Senate February 27, 1987.

(H.C.R. No. 16)

A CONCURRENT RESOLUTION
PROVIDING FOR PRINTING THE SESSION LAWS, FIXING THE PRICE FOR PRINTING

THE SAME, AND THE PRICE WHICH THE PUBLIC SHALL BE CHARGED FOR COPIES OF THE SESSION LAWS.

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

WHEREAS, Section 67-904, Idaho Code, has made provisions for the printing of the Session Laws;

NOW, THEREFORE, in accordance with a written contract duly made and entered into by the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho hereinafter referred to as the Joint Committee;

BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the contract for the printing of the Session Laws of the First and Second Regular Sessions, Forty-ninth Idaho Legislature, and the Session Laws of any Extraordinary Session, Forty-ninth Idaho Legislature, in accordance with the provisions of law and in accordance with the written contract between the Speaker of the House of Representatives and the President Pro Tempore of the Senate and the Joint Committee as party of the first part, and CAXTON PRINTERS, LTD., of Caldwell, Idaho, as party of the second part, be, and the same is hereby ratified, confirmed and concurred in, and is incorporated herein and made a part of this resolution, in words and figures following, to-wit:

PRINTING CONTRACT

THIS AGREEMENT, made and entered into this 10th day of February, 1987, by and between the Speaker of the House of Representatives, Tom Boyd, and the President Pro Tempore of the Senate, James E. Risch, the Joint Committee of the House Judiciary, Rules and Administration Committee and the Senate Judiciary and Rules Committee of the Legislature of the State of Idaho, hereinafter mentioned as party of the first part, and THE CAXTON PRINTERS, LTD., of Caldwell, Idaho, hereinafter mentioned as party of the second part;

WITNESSETH:

That pursuant to a resolution of said party of the first part and written bid submitted to the said party of the first part by the party of the second part, contract for legislative printing is hereby awarded to said CAXTON PRINTERS, LTD., as follows:

SESSION LAWS

For printing and binding 1200 copies of the Session Laws of the First Regular Session of the Forty-ninth Legislature and for printing and binding 1200 copies of the Session Laws of the Second Regular Session of the Forty-ninth Legislature and the Session Laws of any Extraordinary Session of the Forty-ninth Legislature: $23.40 per page, f.o.b. Boise, Idaho, if produced by offset lithography with camera--ready copy being furnished party of the second part, plus $5.80 per volume for binding. For pages requiring reduction shots, an additional $7.00 per page charge. Each volume to be Smythe sewed, rounded and

backed with suitable headbands and Roxite Library Buckram over a 15 point Red Label Davey Board. The party of the second part shall provide an additional quantity to be made available to the general public at $31.00 per single volume, and $36.80 per set of two volumes, if a second volume is required. The Session Laws of any Extraordinary Session adjourned prior to June 1, 1987, shall be included in the Session Laws of the First Regular Session, or if adjourned prior to June 1, 1988, shall be included in the Session Laws of the Second Regular Session. No charge shall be made by the party of the second part for proofreading or blank pages.

IT IS AGREED between the parties hereto that all of said printing shall be done in the form and manner as submitted in written bid dated February 3, 1987, by party of the second part, and in compliance with the statutes of the State of Idaho where not otherwise provided, such statutes shall be controlling.

IT IS FURTHER AGREED that said Session Laws shall be printed, delivered to and be ready for distribution by the Secretary of State in conformity with the provisions of Section 67-904, Idaho Code, which section is hereby referred to and by such reference made a part of this contract as though set forth at length herein, and particularly as follows:

The Session Laws shall be printed and made available for distribution within 60 days after the last day on which the Governor may sign or approve bills following adjournment of the session of the legislature which enacted or passed the measures included in the Session Laws, or within 30 days after the delivery to the party of the second part of the proper title pages, certificate pages, tables of laws and statutes amended and repealed and a proper index of the contents of the Session Laws, whichever date is first in time.

Such printing and delivery of said Session Laws to the Secretary of State are to be made as provided by law; that for each day's failure to so deliver volumes of such Session Laws as herein provided, there shall be deducted from the contract price for printing said Session Laws the sum of $50.00 per day for each day's delay; provided, however, that the party of the second part shall not be held responsible for delay occasioned by failure to furnish copy for such printing to the party of the second part and such delay shall, to the same extent, extend the time for the performance of this agreement.

IN WITNESS WHEREOF, the party of the second part has caused these presents to be executed by its proper officials, and the party of the first part, by concurrent resolution has caused these presents to be executed by its proper officials.

SPEAKER OF THE HOUSE OF REPRESENTATIVES
By /s/Tom Boyd
Tom Boyd

HOUSE JUDICIARY, RULES AND
ADMINISTRATION COMMITTEE
By /s/Don C. Loveland
Don C. Loveland, Chairman

PRESIDENT PRO TEMPORE OF THE SENATE
By /s/James E. Risch
James E. Risch

SENATE JUDICIARY AND RULES COMMITTEE
By /s/Roger Fairchild
Roger Fairchild, Chairman

Party of the First Part

THE CAXTON PRINTERS, LTD.
By /s/Jim Gipson, Jr.
Jim Gipson, Jr.
President

Party of the Second Part.

Approved by the House March 4, 1987.
Approved by the Senate March 10, 1987.

(H.C.R. No. 18)

A CONCURRENT RESOLUTION
AUTHORIZING THE CONTINUATION OF IDAHO'S PARTICIPATION IN THE WESTERN STATES LEGISLATIVE FORESTRY TASK FORCE.

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

WHEREAS, the State of Idaho has participated in the formation and work of the Western States Legislative Forestry Task Force; and

WHEREAS, the Western States Legislative Forestry Task Force is now a working entity, and is diligently pursuing the several subjects important to forest management of the member states; and

WHEREAS, it is to the benefit of the State of Idaho that we continue to participate in the Task Force so that the involved member states have every opportunity to foster sound forest management.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the State of Idaho continue to participate in and be a member of the Western States Legislative Forestry Task Force through the medium of a legislative delegation, which is authorized to serve for the duration of the Forty-ninth Idaho Legislature.

BE IT FURTHER RESOLVED that the President Pro Tempore of the Senate is authorized to appoint two members of the Senate to serve as members of the Task Force, one each from the majority and minority parties, and that the Speaker of the House of Representatives is authorized to appoint two members of the House of Representatives, one each from the majority and minority parties, to serve as members of

the Task Force. The appointing officers may also designate alternates. The members or alternates of the Task Force shall be entitled to compensation and allowances as provided by law for members of other legislative interim committees, to be paid from the Legislative Account.

Adopted by the House March 3, 1987.
Adopted by the Senate March 10, 1987.

(H.C.R. No. 22)

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND URGING THE STATE BOARD OF EDUCATION TO ADOPT A RULE GOVERNING THE TERM OF TEACHER CERTIFICATION WHICH IS RESPONSIVE TO VARIOUS TEACHING ASSIGNMENTS.

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

WHEREAS, the Idaho State Board of Education provides by rules and regulations for the standards which govern teacher certification; and

WHEREAS, teacher certification is fundamental to a determination of the qualifications to teach; and

WHEREAS, at the present time, by policy of the Board not specifically incorporated in the rules, teacher certificates are issued on September 1, and expire on August 31; and

WHEREAS, changes in the school year have resulted in some teachers who are beginning the new school year without the benefit of a valid teacher certificate; and

WHEREAS, it is within the powers and duties of the Board of Education to establish the term of a certificate by rule, and to provide that the rule is responsive to various teaching assignments;

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully urge the Idaho State Board of Education to undertake a revision of the rules and regulations governing teacher certification to establish the term of a certificate and to establish that term in a manner which is responsive to various teaching assignments.

Adopted by the House March 17, 1987.
Adopted by the Senate March 23, 1987.

(H.C.R. No. 25)

A CONCURRENT RESOLUTION

DIRECTING THE LEGISLATIVE COUNCIL TO CONDUCT A STUDY REGARDING THE JUVENILE JUSTICE SYSTEM IN IDAHO.

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

WHEREAS, the juvenile justice system in the State of Idaho is an important tool used in trying to keep today's juvenile offenders from turning into tomorrow's inmates in the state prison system; and

WHEREAS, there are portions of Idaho's juvenile justice system which may need some adjustment or fine tuning to help it function more efficiently; and

WHEREAS, any refinements in Idaho's juvenile justice system to help it run more efficiently would be in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is directed to appoint a committee of fourteen members, with seven from the House of Representatives and seven from the Senate, to undertake and complete a study to evaluate the effectiveness of current disposition standards and related statutes concerning the handling of juvenile cases, to review guidelines relating to the confinement of minor and first-time juvenile offenders as well as the use of diversion of juveniles from the court system, and to evaluate existing facilities within the State of Idaho and determine whether additional facilities and programs for the treatment of juvenile offenders are necessary.

BE IT FURTHER RESOLVED that the Committee shall submit its findings, recommendations and recommended legislation, if any, to the Second Regular Session of the Forty-ninth Idaho Legislature.

BE IT FURTHER RESOLVED that during its study, the Committee shall solicit input from district court and magistrate judges, prosecuting attorneys, law enforcement officers, public defenders actively practicing in juvenile court, county commissioners, administrators of juvenile detention facilities, the Department of Health and Welfare, the Department of Correction, the Superintendent of Public Instruction, and a representative from the public school system with a demonstrated significant interest in juvenile matters.

Adopted by the House March 23, 1987.
Adopted by the Senate April 1, 1987.

(H.C.R. No. 26)

A CONCURRENT RESOLUTION

AUTHORIZING AND DIRECTING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF CONTRACTOR LICENSING AND LIEN LAWS.

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

WHEREAS, the State of Idaho requires that contractors who perform work upon public building projects must be licensed; and

WHEREAS, the requirements for licensing of public works contractors are of questionable value in providing protection to the public; and

WHEREAS, the State of Idaho requires that plumbers and electricians be licensed; and

WHEREAS, recent testimony before a subcommittee of the House State Affairs Committee indicated broad support for a state contractor's licensing law covering private contractors; and

WHEREAS, the Constitution of the State of Idaho requires that the Legislature provide for adequate liens upon the subject matter of their labor for mechanics, laborers, and materialmen; and

WHEREAS, a comprehensive revision of the lien laws has not been made since 1893; and

WHEREAS, because business practices have changed drastically since the 1890's and the Idaho lien laws have not, enforcement of the lien laws of the State of Idaho has worked extreme hardships on many citizens of the state and has impeded commercial activity and development.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized and directed to appoint a committee composed of House and Senate members to undertake and complete a study to determine:

(1) If the requirements for licensing of public works contractors need to be revised and amended; and

(2) If provisions similar to the public works contractors licensing law need to be enacted to apply to work done on private property; and

(3) If the three separate boards now in existence for licensing public works contractors, plumbers, and electricians could be combined into a single board; and

(4) If there are other matters covering contractor licensing that need to be addressed for the benefit of the public and the industry.

BE IT FURTHER RESOLVED that the committee shall also undertake and complete a study of the lien laws of the State of Idaho and prepare legislation, if necessary, to remedy defects in the law.

BE IT FURTHER RESOLVED that the Legislative Council shall report the committee's findings, recommendations and, if appropriate, legislation to the Second Regular Session of the Forty-ninth Idaho Legislature.

Adopted by the House March 18, 1987.
Adopted by the Senate March 31, 1987.

SENATE JOINT MEMORIALS

(S.J.M. No. 101)

A JOINT MEMORIAL

TO PRESIDENT RONALD REAGAN, JOHN S. HERRINGTON, SECRETARY OF THE DEPARTMENT OF ENERGY, 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 First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, modern medicine currently lacks effective treatment for a specific type of brain tumor called Glioblastoma Multiforme which causes approximately 4,000 deaths in the United States per year; and

WHEREAS, people who contract this disease have a mean life expectancy of one year if they are treated using existing techniques; and

WHEREAS, early research indicates that the Power Burst reactor facility at the Idaho National Engineering Laboratory (INEL) is the only reactor in the United States suitable to perform a key role in a promising new therapy for Glioblastoma Multiforme called Boron Neutron Capture Therapy; and

WHEREAS, the Power Burst reactor facility at INEL delivers radiation at a level that destroys cancerous tissue and minimizes biological damage to healthy tissue; and

WHEREAS, the Power Burst reactor facility is large enough to treat all Glioblastoma Multiforme patients in the United States; and

WHEREAS, the Power Burst reactor facility may also prove effective in treating other types of cancer including bone, skin, and lung cancer; and

WHEREAS, a draft program plan for the Boron Neutron Capture Therapy program has been endorsed by nationally recognized medical and technical experts and a seven member advisory board consisting of scientists and medical doctors has been created; and

WHEREAS, human and animal studies using the Boron Neutron Capture Therapy have been proposed in conjunction with medical facility backup from the Eastern Idaho Regional Medical Center; and

WHEREAS, development of such a program would not only save many lives, but also contribute to the health of Idaho's economy; and

WHEREAS, the required technical expertise in reactor operations is already present at the INEL.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House

of Representatives concurring therein, that the President of the United States endorse and support the Boron Neutron Capture Therapy program and that the Congress of the United States take action to provide funding for the program and related research projects and that the U.S. Department of Energy place a high priority on the Boron Neutron Capture Therapy program, and take all necessary actions to support the program; and

BE IT FURTHER RESOLVED that the members of the First Regular Session of the Forty-ninth Idaho Legislature are in full support of the implementation of the Boron Neutron Capture Therapy program 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 a copy of this Memorial to President Ronald Reagan, John S. Herrington, Secretary of the Department of Energy, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 13, 1987.
Adopted by the House February 26, 1987.

(S.J.M. No. 102)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, 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, AND TO 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 First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the numbers of stock ewes in Idaho and the Nation has declined by eighty percent in the four decades since World War II; and

WHEREAS, the sheep rancher's main source of income is the market for the sale of delicious, wholesome lamb; and

WHEREAS, this market has been severely depressed over the forty year period since World War II; and

WHEREAS, this extremely low market has been primarily responsible for the near demise of the domestic sheep industry in this country; and

WHEREAS, a flood of imported lamb is coming into this country from principally New Zealand and Australia; and

WHEREAS, lamb is the only meat which is not currently protected by import quotas; and

WHEREAS, beef is protected and imports into the United States only accounted for seven and seven-tenths percent of the domestic beef supply for 1985; and

WHEREAS, imported lamb accounted for nine and nine-tenths percent of the domestic lamb supply for 1985.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that Congress enact legislation and the President approve such legislation which would include lamb in the 1979 Meat Import Act and that the lamb imported into the United States not be a greater percentage of the total lamb supply in the United States than beef imports are a percentage of the total beef supply in the United States.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of Congress, to the honorable congressional delegation representing the State of Idaho in the Congress of the United States, and to the Secretary of Agriculture of the United States.

Adopted by the Senate February 17, 1987.
Adopted by the House March 3, 1987.

(S.J.M. No. 104)

A JOINT MEMORIAL

TO PRESIDENT RONALD REAGAN, SECRETARY OF THE INTERIOR DONALD HODEL, 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 Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho has no national park; and

WHEREAS, the Craters of the Moon attracts an average of only 220,000 visitors a year, many of them Idaho residents who go year after year; and

WHEREAS, the unique beauty and grandeur of the area should attract many times that number from throughout the Nation; and

WHEREAS, the description of a monument, as a memorial stone or building erected in remembrance of a person or thing, does not fit the Craters of the Moon area and therefore does not attract the maximum number of tourists; and

WHEREAS, changing the status of the Craters of the Moon National Monument to the Craters of the Moon National Park would create more publicity for the State and thereby generate more tourist appeal and a better economy; and

WHEREAS, there are no grazing, agricultural, or mineral resources

within the boundaries of the Craters of the Moon National Monument; and

WHEREAS, administration of the area would not need to change because the Craters of the Moon National Monument is already administered by the National Park Service; and

WHEREAS, increase in tourist traffic would more than offset any additional cost due to more tourists; and

WHEREAS, no additional land would be needed; and

WHEREAS, chambers of commerce throughout Idaho have given evidence of their support for a Craters of the Moon National Park; and

WHEREAS, as part of Idaho's centennial celebration, the redesignation of the Craters of the Moon National Monument to the Craters of the Moon National Park would be an appropriate historic event.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we respectfully request that the United States Congress enact, and the President of the United States approve, legislation providing for the redesignation of the Craters of the Moon National Monument, containing 53,545.06 acres of federal land to the Craters of the Moon National Park, as part of Idaho's centennial celebration.

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, Secretary of the Interior Donald Hodel, the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 17, 1987.
Adopted by the House February 27, 1987.

(S.J.M. No. 105)

A JOINT MEMORIAL

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED AND THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho's hard-working and productive citizens should not be unjustly limited in their economic efforts; and

WHEREAS, several Idaho enterprises have been started which are able to produce unique and highly marketable products within a home environment; and

WHEREAS, federal law arbitrarily restricts the sale of certain homemade products; and

WHEREAS, consumer products and goods must be produced economically in order to compete with foreign producers; and

WHEREAS, many products can be fabricated at a lower cost by home industries; and

WHEREAS, the Ninety-eighth Congress, First Session, considered S 1245 by Senator Hatch, which would have exempted certain home industries from marketing restrictions; and

WHEREAS, enactment of federal legislation is essential to allow development and growth of home industries.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature; the Senate and the House of Representatives concurring therein, that we do respectfully request the Congress to enact legislation similar to S 1245 of the First Session of the Ninety-eighth Congress, or to take other appropriate measures to allow productive and competitive home enterprises to flourish.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the honorable congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the Senate February 27, 1987.
Adopted by the House March 20, 1987.

(S.J.M. No. 106)

A JOINT MEMORIAL

TO THE PRESIDENT PRO TEMPORE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE LEGISLATURE OF THE STATE OF WASHINGTON.

We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Tax Commission of the State of Idaho has recently announced the intention to enforce Idaho income tax upon nonresident interstate truckers; and

WHEREAS, the Legislature of the State of Washington is considering imposition of retaliatory punitive excise taxes upon Idaho residents employed in the state of Washington; and

WHEREAS, it is the direction and desire of the Governor and the Legislature of the State of Idaho to welcome business and tourists into the State and to encourage an open and receptive attitude toward all persons who travel through our beautiful state; and

WHEREAS, Idaho has long enjoyed a sister-state relationship with

the state of Washington whose residents come to North Idaho to play, to work, to convene and to spend money; and

WHEREAS, the residents of North Idaho commute to the state of Washington for the same reasons; and

WHEREAS, the state institutions of higher learning have developed a reciprocal tuition program which allows students in both states to choose their place of education without being penalized by nonresident tuition and fees; and

WHEREAS, the publicity attendant upon the "border war" between Washington and Idaho has generated inflammatory rhetoric and retaliatory threats which confuse and intimidate the citizens of both states; and

WHEREAS, in 1987, the Legislature of the State of Idaho is actively pursuing legislation and regulatory changes in our income tax laws to achieve a just and even-handed treatment of all who come into our state whether they be truckers, railroaders, travelers or tourists.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that we urge our companion body in Washington now meeting in Olympia, Washington, to impose a voluntary moratorium upon militant rhetoric and retaliatory measures against Idaho residents working or going to school in the state of Washington with the assurance given by the Legislature of the State of Idaho that we, in good faith, seek "peace" and not "war" and that we are actively engaged in a sincere effort to restore fair and equitable tax treatment to all.

BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is hereby authorized and directed to forward copies of this Memorial to the President Pro Tempore and the Speaker of the House of Representatives of the Legislature of the State of Washington.

Adopted by the Senate March 24, 1987.
Adopted by the House March 30, 1987.

HOUSE JOINT MEMORIALS

(H.J.M. No. 1)

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 First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the 1982 Surface Transportation Assistance Act established record funding levels in recognition of the Nation's highway and transit needs; and

WHEREAS, failure of the recent 99th Congress to pass highway/transit legislation to continue the momentum of the 1982 act is creating very serious adverse effects at the local, state and national levels; and

WHEREAS, further protracted delay in funding for the Federal-Aid Highway Program could result in the loss of an entire calendar construction year, with attendant safety, traffic, unemployment and other social and economic problems; and

WHEREAS, it is extremely inappropriate that the American people are denied an effective Federal-Aid Highway Program even as highway user funds accrue to the Highway Trust Fund at the rate of one billion dollars per month.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Idaho Legislature petition the 100th Congress to quickly pass a five-year reauthorization highway bill.

BE IT FURTHER RESOLVED that the user fees accruing to the Highway Trust Fund be extended and current highway programs be continued at least at present levels of funding under existing formulas as nearly as possible.

BE IT FURTHER RESOLVED that the Secretary of Transportation be authorized to approve the participation of federal aid in any normally eligible project costs incurred by the states from October 1, 1986 until reauthorization of work normally funded under Title 23, U.S. Code.

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, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House January 23, 1987.
Adopted by the Senate February 2, 1987.

(H.J.M. No. 4)

A JOINT MEMORIAL
TO POSTMASTER GENERAL PRESTON R. TISCH, TO THE CITIZENS STAMP ADVISORY COMMITTEE, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Idaho was admitted to the Union as the forty-third state on July 3, 1890; and

WHEREAS, Idaho is rapidly approaching the one hundredth anniversary of its admission to the Union and is planning a centennial statehood celebration; and

WHEREAS, Idaho is a state of scenic beauty with limitless recreation potential and possesses more than two thousand lakes, five navigable rivers, nineteen state parks, eighteen alpine ski areas, twelve national forests, a national historic park, a national recreation area, a national park, two national recreation areas, five wilderness areas, nine wild and scenic rivers, and seven natural landmarks; and

WHEREAS, Idaho's citizens are a very diverse, hardworking group of people who have made scientific, medical, cultural, and philanthropic contributions to American society.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully request the Postmaster General of the United States and the Citizens Stamp Advisory Committee to approve and issue a four stamp commemorative series to help Idaho celebrate its centennial statehood celebration, to honor the State's scenic beauty and its citizens.

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 Postmaster General Preston R. Tisch, to the members of the Citizens Stamp Advisory Committee, and to the congres-

sional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House February 19, 1987.
Adopted by the Senate February 25, 1987.

(H.J.M. No. 5)

A JOINT MEMORIAL
TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, The Legislature of the State of Idaho finds and declares that the State has been seriously handicapped in its ability to collect legally due use taxes on interstate sales because of the 1967 United States Supreme Court decision in the National Bellas Hess case; and

WHEREAS, the National Bellas Hess decision denies Idaho the legal authority to require the collection of use taxes by out-of-state mail order firms which have no physical presence in the State but which may advertise extensively there; and

WHEREAS, the National Bellas Hess decision has resulted in a loss of tax revenue, based on U. S. Advisory Committee on Intergovernment Relations Report for 1985, of between 4.5 and 11.6 million dollars to the State of Idaho; and

WHEREAS, Idaho retailers have lost, based on a U.S. Advisory Committee on Intergovernment Relations Report for 1985, between 120 and 290 million dollars in retail sales during that period to out-of-state firms not required to remit a sales tax; and

WHEREAS, the problems of state revenue loss and the competitive disadvantage of local business have been intensified in recent years because of the great growth in mail order sales through television, radio, and credit card advertising; and

WHEREAS, these problems can be resolved only by the correction of the National Bellas Hess decision.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring, that we do hereby petition the Congress of the United States to act immediately to introduce, consider, and enact legislation which would prevent the huge revenue loss and remove the competitive advantage now enjoyed by out-of-state businesses and that it do so by authorizing Idaho to require the collection of sales and use taxes by interstate sellers who solicit business in Idaho through catalogs, advertising materials, radio, television,

and the press.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 5, 1987.
Adopted by the Senate March 18, 1987.

(H.J.M. No. 6)

A JOINT MEMORIAL

TO PRESIDENT RONALD REAGAN.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the National Association of Attorneys General will hold its summer meeting in Coeur d'Alene, Idaho on June 7 through 11, 1987; and

WHEREAS, Attorneys General from the 50 states, as well as American trust territories, are expected to attend; and

WHEREAS, Coeur d'Alene was chosen because of its scenic beauty and because of the warm, friendly spirit of its people, which is typical of all Idahoans; and

WHEREAS, Idaho's Attorney General has invited the President of the United States to address the Attorneys General at their meeting; and

WHEREAS, it would be an honor for the State of Idaho, as well as the National Association of Attorneys General, to have President Ronald W. Reagan attend and address the convention.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully urge the President of the United States to accept the invitation to visit the State of Idaho and address the summer meeting of the National Association of Attorneys General in Coeur d'Alene, Idaho in June, 1987.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to President Ronald Reagan.

Adopted by the House March 13, 1987.
Adopted by the Senate April 1, 1987.

(H.J.M. No. 8)

A JOINT MEMORIAL

TO THE PRESIDENT OF THE UNITED STATES, RONALD REAGAN, TO THE SECRETARY OF STATE, GEORGE P. SCHULTZ, TO THE SECRETARY OF ENERGY, JOHN S. HERRINGTON, TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF CONGRESS, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN CONGRESS, AND TO THE GOVERNORS AND PRESIDING OFFICERS OF BOTH HOUSES OF THE STATE LEGISLATURES OF THE STATES OF ALASKA, ARIZONA, CALIFORNIA, COLORADO, HAWAII, MONTANA, NEVADA, NEW MEXICO, OREGON, UTAH, WASHINGTON, AND WYOMING.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the people of the State of Idaho having played an important role in the development of nuclear power as evidenced by the fact that the Idaho National Engineering Laboratory sets on the site that saw many of the key developments in the commercial nuclear power program and the birth of the Naval nuclear power program; and

WHEREAS, the people of Idaho have pursued the benefits of nuclear power with the sincere belief that properly developed and regulated nuclear power could offer clean, safe and secure power for our sons and daughters for many generations; and

WHEREAS, the dedication and knowledge of the people of Idaho has played a key role in the development of Naval nuclear power; the ability of nuclear power to meet the demanding requirements of service at sea while maintaining the highest standards of safety and reliability. In no small part, these achievements can be traced to the construction and testing of prototypes in Idaho. These prototypes have led to standard reactor designs that can be relied upon to provide the power necessary to meet the needs of our national defense. Long after the reactors which were born in Idaho went to sea, the people of Idaho have continued to train the Navy crews necessary to operate the reactors and do the development work and testing necessary to assure the continuing safety of the Naval reactors; and

WHEREAS, the commercial nuclear power industry has not reached its full potential and the construction of standard designs has not been implemented. The results are a decline in public confidence, decreases in plant availability, high production cost, and the suspension of new reactor ordering; and

WHEREAS, this situation threatens the economic health of some segments of the Idaho population and makes it more likely that there will be delays in developing and demonstrating reactors that meet the public requirements for an environmentally sound power source, with assured safety, economy and reliability.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully call

upon the United States government, the governments of our sister states and the government of this state to implement a national program of commercial nuclear power development that conforms to the following seven principles:

1. The United States government must create an environment that fosters the development of the nuclear option. Legislation providing licensing reform and "Price-Anderson protection" must be enacted. The United States government should provide sites for prototype reactors and the United States Department of Energy should be responsible for the operation and testing of the prototypes. Electrical power from the prototype reactors should be made available by the United States government to utility companies.

2. The State of Idaho and its sister states must allow power generation by either major utilities or generating companies. Only specialized, experienced companies can insure that nuclear power plants are operated in accordance with uniform national standards and backed by an appropriate staff.

3. The State of Idaho must encourage the installation and testing of prototype reactors in Idaho.

4. Private industry must design and construct standardized reactors suitable for use throughout the country. The goals should be focused on smaller, simpler, more flexible plants with larger safety margins. Design and construction practices should be adaptable to fixed price sales. Prefabrication in specialized off-site facilities should be encouraged.

5. Nuclear waste disposal should be managed in interim facilities until the advanced concepts being developed in Idaho and elsewhere have been fully explored. The opportunity to burn nuclear waste in specialized fast reactors must be carefully considered.

6. In every case, international experience should be incorporated into United States' developments. International licensing standards should be developed and put into use. Safety and reliability information should be shared on an international basis. Nuclear power is too important an item to be addressed only on a national basis.

7. The uranium industry in the United States must regain its viability if nuclear power is to provide the promise of energy independence. The "enrichment policies" of the United States government should be used to insure the survival of the domestic uranium mining business.

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, to Secretary of State George P. Schultz, to the Secretary of Energy, John S. Herrington, to 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, to the governors and the presiding officers of both houses of the state legislatures of the States of Alaska, Arizona, California, Colorado, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

Adopted by the House March 16, 1987.
Adopted by the Senate March 26, 1987.

(H.J.M. No. 9)

A JOINT MEMORIAL

TO THE MEMBERS OF THE HOUSE OF REPRESENTATIVES AND SENATE IN CONGRESS OF THE UNITED STATES ASSEMBLED, AND THE SENATORS AND REPRESENTATIVES REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, Alaska's Arctic National Wildlife Refuge includes more than 19 million acres of land, amounting to approximately five percent of the entire state landmass; and

WHEREAS, the Coastal Plain is approximately eight percent of the refuge and it is considered to be highly prospective for the discovery of large quantities of oil and gas; and

WHEREAS, Congress has reserved the discretion to decide if the 1.5 million acres will be opened to further exploration, development and production; and

WHEREAS, national energy security depends on the development of domestic oil and gas resources to replace depleted reserves of the United States; and

WHEREAS, the United States must prepare to develop domestic petroleum resources if it is to preclude overwhelming dependence on foreign petroleum sources in the 21st century; and

WHEREAS, the Nation stands to derive revenues including portions of bonuses, royalties and rents from oil and gas development; and

WHEREAS, the petroleum industry has consistently demonstrated its ability to operate in conditions similar to those found on the Coastal Plain in a safe, responsible manner without significant adverse environmental impacts; and

WHEREAS, opening the Arctic National Wildlife Coastal Plain to further exploration, development and production will generate increased employment and business opportunities for residents of the

State of Idaho and all Americans.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we strongly urge the Congress of the United States to open the Arctic National Wildlife Refuge Coastal Plain to environmentally responsible oil and gas exploration, development and production.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

Adopted by the House March 16, 1987.
Adopted by the Senate March 25, 1987.

INITIATIVE ESTABLISHING A STATE LOTTERY COMMISSION AND AUTHORIZING A STATE LOTTERY.

AN INITIATIVE TO CREATE A STATE LOTTERY COMMISSION AND DELINEATE ITS POWER AND DUTIES; AUTHORIZE THE APPOINTMENT OF A DIRECTOR, HIS DEPUTIES AND ASSISTANTS AND DELINEATE THEIR POWERS AND DUTIES; AUTHORIZE THE OPERATION OF A STATE LOTTERY; PROVIDE FOR LICENSING OF SALES AGENTS; PROVIDE FOR PENALTIES FOR VIOLATIONS; PROVIDE FOR DISTRIBUTION OF PRIZES AND RECEIPTS; PROVIDE FOR LICENSING BINGO AND RAFFLES BY CHARITABLE ORGANIZATIONS.

INITIATIVE PETITION NO. 1

ESTABLISHING AND REGULATING A STATE LOTTERY COMMISSION

SECTION 1. That Title 63, Idaho Code, be and the same is hereby amended by the addition of a NEW CHAPTER to be known and designated as Chapter 26, Title 63, Idaho Code, and to read as follows:

63-2601. DEFINITIONS. For the purposes of this Chapter:

(1) "Commission" means the state lottery commission;

(2) "Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter. However, the term "lottery" shall not be construed to include:

(a) the pari-mutuel system used in horse racing, so long as it is conducted in conformity with the provisions of chapter 26, title 54, Idaho Code

(b) any method, including drawing by lots, used for the portioning of land among joint owners or tenants in common or government land drawings or Carey act land drawings;

(c) any advertising or promotional activities, whether or not conducted by mass media techniques, in which prizes may be awarded;

(3) "Director" means the director of the state lottery commission.

(4) "Gross annual revenue" means revenue from the sale of lottery tickets or shares.

63-2602. STATE LOTTERY COMMISSION CREATED -- MEMBERSHIP -- TERMS --VACANCIES -- CHAIRMAN. There is hereby created a state lottery commission within the Department of Revenue and Taxation which shall have the authority as herein provided, notwithstanding any other provision of law to the contrary. The commission shall consist of five (5) members appointed by the governor. Of the initial commissioners, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, one (1) shall be appointed for a term of four (4) years, one (1) shall be appointed for a term of five (5) years, and one (1) shall be appointed for a term of six (6) years. Appointments thereafter, except those to fill vacancies, shall be for a term of six (6) years. No member of the commission who has served a full six-year term shall be eligible for reappointment until

the lapse of one (1) year. Any vacancy which occurs shall be filled by appointment by the governor for the unexpired portion of the term.

The commission shall designate one (1) of its members to serve as chairman.

63-2603. POWERS AND DUTIES OF COMMISSION. The commission shall exercise the following powers and duties:

(1) Promulgate such rules and regulations governing the establishment and operation of a state lottery as it deems necessary and desirable in order that such lottery produce the maximum amount of net revenues for the state consistent with the dignity of the state and the general welfare of the people. The rules and regulations shall include, but not be limited to, the following:

(a) The type of lottery to be conducted;

(b) The price, or prices, of tickets or shares in the lottery;

(c) The numbers and sizes of the prizes for the winning tickets or shares;

(d) The manner of selecting the winning tickets or shares;

(e) The manner and time of payment of prizes to the holder of winning tickets or shares which, at the director's option, may be paid in lump sum amounts or installments over a period of years;

(f) The frequency of the drawings or selections of winning tickets or shares, without limitation;

(g) Without limit as to number, the type or types of locations at which tickets or shares may be sold to provide for the adequate availability of tickets or shares to prospective buyers and for the convenience of the public;

(h) The method to be used in selling tickets or shares;

(i) The licensing of agents to sell or distribute tickets or shares, except that no person less than eighteen (18) years of age shall be licensed as an agent;

(j) The manner and amount of compensation, if any, to be paid licensed sales agents;

(k) The apportionment of the total revenues accruing from the sale of lottery tickets or shares and from all other sources among: (i) The payment of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent (45%) of the gross annual revenue from the lottery, (ii) transfers to the administrative sub-account of the state lottery account and (iii) transfers to the general account in the state operating fund.

(2) Amend, repeal, or supplement any such rules and regulations from time to time as it deems necessary or desirable.

(3) Such other matters necessary or desirable for the efficient and economical operation and administration of the lottery and for the convenience of the purchasers of tickets or shares and the holders of winning tickets or shares.

(4) Ensure that in each place authorized to sell lottery tickets or shares, on the back of the ticket or share, and in any advertising or promotion there shall be conspicuously displayed an estimate of the probability of purchasing a winning ticket or share.

(5) Advise and made recommendations to the director for the oper-

ation and administration of the lottery.

(6) Promulgate rules and regulations authorizing bingo games and raffles by bona fide religious, charitable, nonprofit or fraternal organizations. The decision of the director as to what constitutes a bona fide religious, charitable, nonprofit or fraternal organization shall be appealable only to the commission whose decision may be appealed within sixty (60) days to the district court in Ada County under the procedures provided by sections 67-5215(b) through (g) and 67-5216, Idaho Code. In considering whether an organization is a bona fide religious, charitable, nonprofit or fraternal organization the director and the commission may consider, among other factors, salaries, compensation, bonuses and any other monetary payment to any employee, officer or agent of such organization. The commission may fix and collect a fee for all such bingo games and raffles licensed.

(7) The commission shall not authorize any gambling casinos.

63-2604. OFFICE OF DIRECTOR -- APPOINTMENT -- SALARY -- DUTIES. The director of the state lottery shall be appointed by the governor with the advice of the commission. The director shall serve at the pleasure of the governor who shall determine his salary. The director shall:

(1) Supervise and administer the operation of the lottery in accordance with the provisions of this chapter and with the rules and regulations of the commission.

(2) Appoint, with the consent of the commission, such deputies and assistants as may be required to carry out the functions and duties of his office. Such employees shall be exempt from the provisions of Chapter 53, title 67, Idaho Code.

(3) Appoint, with the consent of the commission, such professional, technical, and clerical assistants and employees as may be necessary to perform the duties imposed by this chapter.

(4) License as agents to sell or distribute lottery tickets such persons as in his opinion will best serve the public convenience and promote the sale of tickets or shares. The director may require a bond from every licensed agent, in such amount as provided by the rules of the commission. Every licensed agent shall prominently display his license, or a copy thereof, as provided in the rules of the commission. License fees may be established by the commission, and, if established, shall be deposited in the state lottery account created by section 63-2619, Idaho Code.

(5) Confer regularly with the commission on the operation and administration of the lottery; make available for inspection by the commission, upon request, all books, records, files, and other information and documents of the lottery; and advise the commission and recommend such matters as he deems necessary and advisable to improve the operation and administration of the lottery.

(6) The director may, subject to the laws governing state contracts, and approval of the commission, enter into contracts for the operation of the lottery, or any part thereof, and into contracts for the promotion of the lottery. No contract awarded or entered into by the director may be assigned by the holder thereof except by specific approval of the commission, provided, that nothing in this chapter

shall authorize the director to enter into any contract for the regular and permanent administration of the lottery after its initial development and implementation.

(7) Certify quarterly to the state treasurer, the state auditor, the division of financial management, the legislative budget office, and the commission a full and complete statement of lottery revenues, prize disbursements, and other expenses for the preceding quarter.

(8) Publish quarterly reports showing the total lottery revenues, prize disbursements, and other expenses for the preceding quarter, and make an annual report, which shall include a full and complete statement of lottery revenues, prize disbursements, and other expenses, to the governor and the legislature.

(9) Report immediately to the governor and the legislature any matters which require immediate changes in the other laws of this state in order to prevent abuses and evasions of this chapter or the rules promulgated hereunder.

(10) Carry on a continuous study and investigation of the lottery throughout the state:

(a) For the purpose of ascertaining any defects in this chapter or in the rules and regulations promulgated thereunder by reason whereof any abuses in the administration and operation of the lottery or any evasion of this chapter or the rules may arise or be practiced,

(b) For the purpose of formulating recommendations for changes in this chapter and the rules and regulations promulgated hereunder to prevent such abuses and evasions,

(c) To guard against the use of this chapter and the rules and regulations issued hereunder as a cloak for the carrying on of professional gambling and crime.

(11) Carry on a continuous study and investigation of:

(a) The operation and the administration of similar laws which may be in effect in other states or countries,

(b) Any literature on the subject which from time to time may be published or available,

(c) Any federal laws which may affect the operation of the lottery, and

(d) The reaction of the citizens of this state to existing and potential features of the lottery with a view to recommending or effecting changes that will tend to serve the purposes of this chapter.

(12) Perform all other matters and things necessary to carry out the purposes and provisions of this chapter.

63-2605. POWERS OF DIRECTOR.

(1) The director or his authorized representative may:

(a) Make necessary public or private investigations within or outside of this state to determine whether any person has violated or is about to violate this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the promulgation of rules and regulations and forms hereunder; and

(b) Inspect the books, documents, and records of any person lending money to or in any manner financing any license holder or

applicant for a license or receiving any income or profits from the use of such license for the purpose of determining compliance or noncompliance with the provisions of this chapter or the rules and regulations promulgated hereunder.

(2) For the purpose of any investigation or proceeding under this chapter, the director may conduct hearings, administer oaths or affirmations, or upon the director's motion or upon request of any party subpoena witnesses, compel attendance, take depositions, take evidence, or require the production of any matter which is relevant to the investigation or proceeding, including but not limited to the existence, description, nature, custody, condition, or location of any books, documents, or other tangible things, or the identity or location of persons having knowledge of relevant facts, or any other matter reasonably calculated to lead to the discovery of material evidence.

(3) Upon failure to obey a subpoena or to answer questions propounded and upon reasonable notice to all persons affected thereby, the director may apply to the district court for an order compelling compliance.

(4) The commission shall promulgate rules and regulations respecting the suspension, revocation, or denial of licenses.

(5) Except as otherwise provided in this chapter, all proceedings under the chapter shall be in accordance with chapter 53, title 63, Idaho Code.

63-2606. LICENSES FOR LOTTERY SALES AGENTS -- FACTORS -- "PERSON" DEFINED. No lottery sales agent license shall be issued to any person whose sole business is the sale of lottery tickets. Before issuing a lottery license the director shall consider such factors as:

(1) The financial responsibility and security of the person and his business or activity,

(2) The accessibility of his place of business or activity to the public,

(3) The sufficiency of existing licenses to serve the public convenience, and

(4) The volume of expected sales.

For purposes of this section, the term "person" means an individual, association, corporation, club, trust, estate, society, company, joint stock company, receiver, trustee, assignee, referee, or any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination of individuals. "Person" does not mean any department, commission, agency, or instrumentality of the state, federal or other government, or any county or municipality or any agency or instrumentality thereof, except for state liquor stores.

63-2607. DENIAL, SUSPENSION, AND REVOCATION OF LICENSES. The director may deny any license application, or suspend or revoke, after due notice and hearing, any license issued pursuant to this chapter for one or more of the following reasons:

(1) Failure to account for lottery tickets received or the proceeds of the sale of lottery tickets or to file a bond if required by

the director to do so or to comply with the instructions of the director concerning the licensed activity;

(2) Failure to file any return or report or to keep records or to pay any tax required by this chapter;

(3) Fraud, deceit, misrepresentation, or conduct prejudicial to public confidence ih the state lottery;

(4) That the number of lottery tickets sold by the lottery sales agent is insufficient to meet administrative costs, or that public convenience is adequately served by other licensees;

(5) A material change since issuance of the license with respect to any matters required to be considered herein.

For the purpose of reviewing any application for a license and for considering the denial, suspension, or revocation of any license the director may consider any prior criminal conduct of the applicant or licensee.

The director may temporarily suspend any license without prior notice or hearing pending any prosecution, investigation or hearing, but only for a reasonable time.

63-2608. ASSIGNMENT OF RIGHTS PROHIBITED -- EXCEPTIONS -- DISCHARGE OF LIABILITY. No right of any person to a prize or share of a prize drawn is assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order may be paid the prize to which the winner is entitled. However, nothing in this section shall be construed to prohibit joint or several ownership or purchase of lottery tickets or shares. The commission and the director shall be discharged of all further liability upon payment of a prize pursuant to this section.

63-2609. MAXIMUM PRICE OF TICKET OR SHARE LIMITED -- SALE BY OTHER THAN LICENSED AGENT PROHIBITED. A person shall not sell a ticket or share at a price greater than that fixed by the rules and regulations of the commission. No person other than a licensed lottery sales agent shall sell lottery tickets, except that nothing in this section shall prevent any person from giving lottery tickets or shares to another as a gift.

63-2610. SALE TO MINORS PROHIBITED -- EXCEPTION -- PENALTIES. A ticket or share shall not be sold to any person under eighteen (18) years of age, but this shall not be deemed to prohibit the purchase of a ticket or share for the purpose of making a gift by a person eighteen (18) years of age or older to a person less than that age. Any licensee who knowingly sells or offers to sell a lottery ticket or share to any person under eighteen (18) years of age shall be guilty of a misdemeanor. In the event that a person under eighteen (18) years of age purchases a ticket in violation of this section, no prize will be paid to such person and the prize money otherwise payable on the ticket shall be treated as unclaimed.

63-2611. PROHIBITED ACTS -- PENALTY. A person shall not alter or forge a lottery ticket. A person shall not claim a lottery prize or

share of a lottery prize by means of fraud, deceit, or misrepresentation. A person shall not conspire, aid, abet, or agree to aid another person or persons to claim a lottery prize or share of a lottery prize by means of fraud, deceit, or misrepresentation.

A violation of this section is a felony and any prize monies awarded shall be forfeited to the state lottery account created in section 63-2619, Idaho Code.

63-6212. PENALTY FOR UNLICENSED ACTIVITY. Any person who conducts any activity for which a license is required by this chapter, or by the rules and regulations of the commission, without the required license, shall be guilty of a misdemeanor.

63-2613. PENALTY FOR FALSE OR MISLEADING STATEMENT OR ENTRY OR FAILURE TO PRODUCE DOCUMENTS. Whoever, in any application for a license or in any book or record required to be maintained or in any report required to be submitted, makes any false or misleading statement, or makes any false or misleading entry or willfully fails to maintain or make any entry required to be maintained or made, or who willfully refuses to produce for inspection any book, record, or document required to be maintained or made by federal or state law shall be guilty of a misdemeanor.

63-2614. PENALTY FOR VIOLATION OF THIS CHAPTER -- EXCEPTIONS. Any person who violates any provision of this chapter for which no penalty is otherwise provided, or knowingly causes, aids, abets, or conspires with another to cause any person to violate any provision of this chapter shall be guilty of a misdemeanor. Nothing contained in this or the following section shall prohibit persons or entities from being prosecuted under other provisions of law for criminal offenses related to this chapter.

63-2615. PENALTY FOR VIOLATION OF RULES AND REGULATIONS -- EXCEPTIONS. Any person who violates any of the rules or regulations adopted pursuant to this chapter for which no penalty is otherwise provided, or knowingly causes, aids, abets, or conspires with another to cause any person to violate any provision of this chapter shall be guilty of a misdemeanor except where other penalties are specifically provided herein.

63-2616. PERSONS PROHIBITED FROM PURCHASING TICKETS OR SHARES OR RECEIVING PRIZES -- PENALTY. A ticket or share shall not be purchased by, and a prize shall not be paid to any member or employee of the commission or director or to any spouse, child, brother, sister, or parent residing as a member of the same household in the principal place of abode of any member or employee of the commission or director.

A violation of this section shall be a felony and any prize monies awarded shall be forfeited to the state lottery account and treated as an unclaimed prize.

63-2617. UNCLAIMED PRIZES. Unclaimed prizes shall be retained in

the state lottery account for the person entitled thereto for one hundred eighty (180) days after the drawing in which the prize is won. If no claim is made for the prize within such time, the prize shall be retained in the state lottery account for further use as prizes and all rights to the prize shall be extinguished.

63-2618. DEPOSIT OF MONIES RECEIVED BY AGENTS FROM SALES — POWER OF DIRECTOR -- REPORTS. The director, in his discretion, may require any or all lottery sales agents to deposit to the credit of the state lottery account in banks designated by the state treasurer, all monies received by such agents from the sale of lottery tickets or shares, less the amount, if any, retained as compensation for the sale of the tickets or shares, and to file with the director or his designated agents, reports of their receipts and transactions in the sale of lottery tickets in such form and containing such information as he may require. The director may make such arrangements for any person, including a bank, to perform such functions, activities, or services in connection with the operation of the lottery as he may deem advisable pursuant to this chapter and the rules and regulations of the commission.

63-2619. STATE LOTTERY ACCOUNT AND SUB-ACCOUNTS CREATED.

(1) There is hereby created and established:

(a) a separate account in the dedicated fund of the state treasury to be known as the state lottery account;

(b) two (2) sub-accounts within the state lottery account to be known as lottery reserve sub-account and the lottery administrative sub-account.

(2) Such accounts shall be managed, maintained, and controlled by the commission and shall consist of all revenues received from the sale of lottery tickets or shares, and all other monies credited or transferred thereto from any other fund or source pursuant to law. Monies in the accounts are hereby perpetually appropriated and no further appropriation is required to permit expenditures and payment of obligations therefrom.

63-2620. USE OF MONIES IN STATE LOTTERY ACCOUNT LIMITED. The monies in the state lottery account shall be used only:

(1) For the payment of prizes to the holders of winning lottery tickets or shares;

(2) For purposes of making deposits into the lottery reserve sub-account and into the lottery administrative sub-account;

(3) For purposes of making deposits into the state's general fund;

(4) For the purchase and promotion of lottery games and game-related services; and

(5) For the payment of agent compensation.

63-2621. METHODS FOR PAYMENT OF PRIZES BY INSTALLMENTS. If the director decides to pay any portion of or all of the prizes in the form of installments over a period of years, he shall provide for such payment by one or the other of the following methods:

(1) The director may enter into contracts with any financially responsible person or firm providing for the payment of such installments; or

(2) The director may establish and maintain a reserve account into which shall be placed sufficient monies for the director to pay such installments as they become due.

63-2622. MEMBERS OF COMMISSION -- COMPENSATION -- TRAVEL EXPENSES. Each member of the commission shall be compensated as provided by law and shall be reimbursed for actual and necessary traveling and other expenses in going to, attending, and returning from meetings of the commission and actual and necessary traveling and other expenses incurred in the discharge of such duties as may be provided by commission rules and regulations.

63-2623. AUDITS BY STATE AUDITOR. The state auditor may conduct an annual audit of all accounts and transactions of the lottery and such other special audits as he deems appropriate.

63-2624. LEGAL SERVICES AND INVESTIGATIONS BY ATTORNEY GENERAL AUTHORIZED. The attorney general shall, pursuant to contact, provide legal services to the commission and may investigate violations of this chapter, and of the criminal laws of this state, by the commission, its employees, licensees, or agents.

63-2625. ENFORCEMENT POWERS OF DIRECTOR. The director shall have the power to enforce this chapter and the criminal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith. The director, his deputies and assistants and each of the commission's investigators, enforcement officers, and inspectors shall have the power to enforce this chapter and the criminal laws of this state relating to the conduct of or participation in lottery activities and the manufacturing, importation, transportation, distribution, possession, and sale of equipment or paraphernalia used or for use in connection therewith.

63-2626. SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

SECTION 2. That Chapter 49, Title 18, Idaho Code, be, and the same is hereby repealed.

PROCLAMATION

WHEREAS, The Secretary of State, in the presence of the Governor, has canvassed the votes cast on November 4, 1986, concerning Initiative Petition No. 1 (An Initiative Establishing a State Lottery Commission and Authorizing a State Lottery), and,

WHEREAS, The results show that the said Initiative Petition has received 226,816 "yes" votes, 151,132 "no" votes, and

WHEREAS, The "yes" vote on Initiative Petition No. 1 is more than a majority of the vote cast for said Initiative Petition No. 1

NOW, THEREFORE, I JOHN V. EVANS, Governor of the State of Idaho, pursuant to Section 34-1813, Idaho Code, do hereby proclaim that Initiative Petition No. 1 has been approved by the people of the State of Idaho and is in full force and effect as the law of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the Nineteenth day of November, in the year of our Lord nineteen hundred and eighty-six and of the Independence of the United States of America the Two Hundred and Eleventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

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-ninth Legislature of the State of Idaho, First Regular Session thereof, which convened January 12, 1987, and which Senate thereof adjourned March 31, 1987, and which House of Representatives thereof adjourned April 1, 1987, 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 30th day of April, 1987.

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. 85-8
(Omitted in 1986 Session Laws)

ESTABLISHING THE FAMILY FARM ASSISTANCE AND REFERRAL SYSTEM UNDER THE AUSPICES OF THE IDAHO DEPARTMENT OF AGRICULTURE

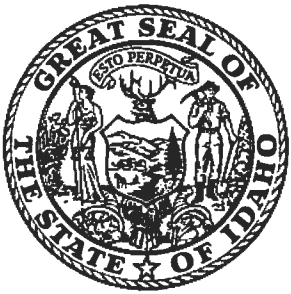
WHEREAS: An increasing number of Idaho farmers are faced with economic and legal problems, such as inability to obtain credit, foreclosure and liquidation; and

WHEREAS: The aforesaid economic and legal problems are at an alarming rate leading to family and social problems among Idaho farmers; and

WHEREAS: There is no statewide structure or communication network that exists to coordinate volunteer and government agency activities to assist the beleaguered farmers of Idaho; and

WHEREAS: It is necessary that an agency of the State of Idaho be designated and authorized to establish a referral system and hotline to assist those farmers of Idaho who have pressing economic, legal, and social problems;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority invested in me by Section 5, Article 4 of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby direct the Idaho Department of Agriculture to establish and administer a Family Farm Assistance and Referral System, to be known as the "Family Farm Hotline", and further; I do hereby direct all State agencies to cooperate fully with and provide assistance to the Department of Agriculture 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, this twentieth 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. 86-7

CONTINUATION OF THE IDAHO MAPPING ADVISORY COMMITTEE

WHEREAS, it is in the interest of the State of Idaho, federal resource management agencies, local government, and private organizations to professionally respond to the growing resources management problems in the state; and

WHEREAS, various mapping activities are basic to sound resource management; therefore, it is necessary to minimize duplication in mapping programs of state agencies, maximize utilization of state and federal funds expended on mapping and allied projects, and improve mapping products; and

WHEREAS, it is important to officially, efficiently, and accurately communicate to the federal government Idaho's mapping priorities; and

WHEREAS, the state's cartographic community has an increasing need to keep abreast of the rapidly changing technology in mapping and related disciplines;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby officially continue the charter of the Idaho Mapping Advisory Committee to carry out the following duties and responsibilities:

1. Assist in the preparation of requests to pertinent federal agencies as a part of the diversified national mapping program;
2. Make recommendations to state and federal agencies regarding geographic information systems, mapping programs, and remote sensing specifications;
3. Meet on at least an annual basis to review map programs carried on by federal and state agencies and private industry, develop a list of priorities with regard thereto, and make recommendations with regard to possibilities for cooperation and resource sharing;
4. Review new geographic information mapping and remote sensing technology applications which can be directed to the state's interest; and
5. Submit an annual report to the Governor of the Committee's activities within four weeks subsequent to the annual meeting.

Membership of the Idaho Mapping Advisory Committee will be made up of Department Directors or their designees. Voting representatives will be from Idaho's natural resource and planning agencies having mapping interests. Ex-officio members will include the pertinent federal agencies operating in Idaho, Idaho industry and progressional organizations, and key academic institutions in the state with mapping expertise.

Voting membership in the Idaho Mapping Advisory Committee will consist of the Department of Lands, the Idaho Transportation Department, the Department of Water Resources, the Division of Financial Management, the Department of Fish and Game, and the Department of Parks and Recreation. The Idaho Mapping Advisory Committee may vote to add to the state voting membership if other state agencies have a

need and interest in participating in the Committee. Such additions shall be approved by the Governor.

The Governor shall appoint the Chairman of the Idaho Mapping Advisory Committee on an annual basis.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the 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

(Executive Order No. 86-8 included in 1986 Session Laws)

EXECUTIVE ORDER NO. 86-9

CONTINUATION OF AN IDAHO IMAGE ANALYSIS FACILITY AT THE DEPARTMENT OF WATER RESOURCES, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-6

WHEREAS, as the result of past activity by the Department of Water Resources, the image analysis capability to effectively utilize remote sensing and geographically referenced data has been established in Idaho; and

WHEREAS, it is in the interest of the State of Idaho that this capability be shared and further developed in cooperation with federal resource management agencies, local government and private organizations for conducting needed resource inventory and mapping; and

WHEREAS, it is essential that a lead state agency be designated to insure the proper coordination, maintenance, and support of the image analysis and geographic information system capability and to provide for its effective use by various users;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in my by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby designate the Idaho Department of Water Resources to be the state agency responsible for the Idaho Image Analysis Facility. The Department will:

1. Provide the necessary coordination and technical support;
2. Generally promote the operational applications of digital image analysis and geographic information systems;
3. Provide system management support to insure the proper oper-

ation and availability of digital image analysis for applications by various users;

4. Provide technical assistance, in the form of consultation and training to allow and encourage application of digital image analysis techniques and equipment by employees of other agencies and organizations;
5. Cooperate with, receive and expend funds from other sources for the continued development and utilization of image analysis geographic information techniques; and
6. Maintain an assessment of the Image Analysis Facility capabilities needed within Idaho by existing and potential users, to cooperate with the Idaho universities and other research institutions for the development and implementation of improved capabilities resulting from research activities.

This order repeals and replaces Executive Order No. 84-6.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the fourth day of April, in the year of our Lord nineteen hundred eighty-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. 86-10

CONTINUING PROVISIONS FOR THE NECESSARY AND APPROPRIATE STATE COORDINATION AND PARTICIPATION WITH THE FEDERAL INSURANCE ADMINISTRATION UNDER THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED, AND RULES AND REGULATIONS PROMULGATED THEREUNDER, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-7

WHEREAS, uneconomic uses of the state's flood plains are occurring and potential flood losses are increasing despite substantial efforts to control floods; and

WHEREAS, national, state and local studies of areas and property subject to flooding indicate a further increase in flood damage potential and flood losses, even with continuing investment in flood protection structures; and

WHEREAS, the State of Idaho has continuing programs for the construction of buildings, roads, and other facilities and annually acquires and disposes of lands in flood hazard areas--all of which

activities significantly influence patterns of commercial, residential, and industrial development; and

WHEREAS, the availability of flood insurance under the National Flood Insurance Program, as provided by the National Flood Insurance Act of 1968, as amended, is dependent upon state coordination of federal, state, and local aspects of flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management activities in the state; and

WHEREAS, the Department of Water Resources is the state agency responsible for assisting with local regulations necessary for flood insurance provided by the National Flood Insurance Act of 1968 under the Idaho Code, Title 67, Sec. 1911 through 1917; and

WHEREAS, the Federal Insurance Administration has promulgated and adopted rules and regulations governing eligibility of state and local communities to participate in the National Flood Insurance Program, which participation depends on state coordination and the designation of an agency in the State of Idaho to be responsible for coordinating federal, state and local aspects of flood plain, mudslide (i.e., mudflow) area and flood-related erosion area management activities in the State of Idaho;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me, do hereby order as follows:

Section 1. The Department of Water Resources is hereby designated as the agency to assist in the implementation of Section 1910.12, Rules and Regulations of the Federal Insurance Administration and will encourage a broad and unified effort to prevent uneconomic uses and development of the state's flood plains and, in particular, to lessen the risk of flood losses in connection with state lands and installation and state financed or supported improvements; specifically,

(1) Under the leadership and direction of the Department of Administration, all state agencies directly responsible for the construction of buildings, structures, roads, or other facilities shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in connection with such facilities. In the vent of construction in the flood plain management criteria set forth in Sections 1910.3, 1910.4, and 1910.5 of the National Flood Insurance Regulations shall apply as applicable. Flood proofing measures shall be applied to existing facilities in order to reduce flood damage potential.

(2) All state agencies responsible for the administration of grant or loan programs, involving the construction of buildings, structures, roads or other facilities shall evaluate flood hazards in connection with such facilities and, in order to minimize the exposure of facilities to potential flood damage and the need for future state expenditures for flood protection and flood disaster relief, shall preclude the uneconomic, hazardous, or unnecessary use of flood plains in such connection.

(3) All state agencies responsible for the disposal of lands or properties shall evaluate flood hazards in connection with lands or properties proposed for disposal to other

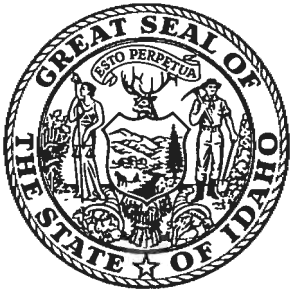
public instrumentalities or private interests and, in order to minimize future state expenditures for flood protection and flood disaster relief, shall notify those instrumentalities and private interests that such hazards exist.

(4) All state agencies responsible for programs which affect land use planning, including state permit programs, shall take flood hazards into account when evaluating plans and shall encourage land use appropriate to the degree of hazard involved.

(5) In evaluating flood hazard potential, all state agencies shall coordinate their work with the Department of Water Resources to assure that the most up-to-date data and/or methods of analysis are utilized.

Section 2. As may be permitted by law, the head of each state agency shall issue appropriate rules and regulations to govern the carrying out of the provisions of Section 1 of this order by his agency to be coordinated with the Department of Administration.

Section 3. This order shall take effect on the sixth day of April 1986 and repeals and replaces Executive Order No. 84-7.



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 fourth day of April, 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. 86-11

ESTABLISHMENT OF GOVERNOR'S TASK FORCE ON PRIEST LAKE DEVELOPMENT

WHEREAS, Priest Lake is the last major Northern Idaho lake remaining in a largely natural, rural state; and

WHEREAS, public access and facilities must be assured as recreational use and development of Priest Lake increases; and

WHEREAS, local residents, business owners, and recreationists continue to oppose large-scale development along the Priest Lake shoreline, preferring gradual, small-scale growth compatible with Priest Lake's scenic environment; and

WHEREAS, the State Land Board failed to consider a wide range of alternatives prior to favoring the 1985 Priest Lake land exchange with Diamond International Corporation; and

WHEREAS, Diamond International Corporation is now considering sale of their consolidated holdings, or portions thereof; and

WHEREAS, land acquisition and development in the public interest could be more compatible with the area's semi-primitive and rural character as opposed to the proposed Diamond development;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the power of the authority vested in me, do hereby establish the Governor's Task Force on Priest Lake Development.

The Task Force shall be composed of at least ten members to be appointed by the Governor representing a range of private and state interests with regard to Priest Lake.

The responsibility of the Task Force shall be as follows:

1. To identify development pressures at Priest Lake that are compatible with its natural, cultural and recreational values;
2. To propose mechanisms by which the beauty and rural character of Priest Lake can be preserved while allowing for development on an appropriate scale; and
3. To propose public acquisition alternatives for the consolidated lands now owned by Diamond International Corporation with particular emphasis on lake front parcels.

The Task Force shall be attached administratively to the Governor's Office. 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 expenses as funds allow.

The Governor's Office shall provide the Task Force with such administrative services, staff and other support services as may be necessary for the effective performance of its functions.

The Task Force shall submit a final report with recommendations to the Governor not later than September 1, 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 second day of April, 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. 86-12

CONTINUATION OF KEEP IDAHO GREEN EXECUTIVE COMMITTEE

WHEREAS, the Governor's KEEP IDAHO GREEN Executive Committee was established in the Executive Office of the Governor in 1946 at the request of the Idaho Jaycees; and

WHEREAS, there continues to be a vital need to protect Idaho's vast renewable natural resources from wildfire; and

WHEREAS, it is in the best interest of all Idaho citizens to protect our state's scenic splendor and economic base from man-caused wildfire; and

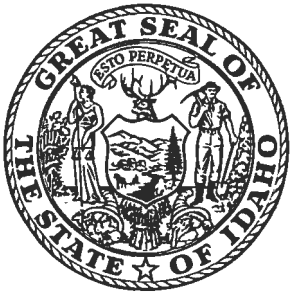
WHEREAS, concerned volunteers have worked over the years to combine the resources of state, federal and private interests to keep wildfire prevention in the minds of all who experience Idaho's out-of-doors;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me, do hereby order the continuation of the Governor's KEEP IDAHO GREEN Executive Committee.

The Committee shall consist of members appointed by the Governor who represent state, federal and private interests as well as volunteer groups.

The Committee shall direct and approve an annual wildfire prevention campaign to be carried out by the KEEP IDAHO GREEN Director and employees of the Idaho Department of Lands.

The Committee shall meet at least once a year with additional meetings at the discretion of the Director.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the second day of April, 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. 86-13

CONTINUATION OF THE DESIGNATION OF THE IDAHO TRANSPORTATION DEPARTMENT AND ITS DIRECTOR AS THE RECIPIENT OF FEDERAL FUNDS FOR PUBLIC TRANSPORTATION, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-9

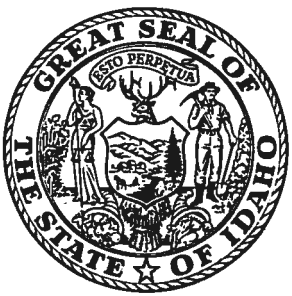
WHEREAS, the federal government, under authority granted by the Urban Mass Transportation Act, as amended, is authorized to provide financial assistance to states to improve public transportation; and

WHEREAS, such aid has been offered to Idaho; and

WHEREAS, it is necessary that an agency of the State of Idaho be designated and authorized to receive and expend such financial assistance;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in my by Section 5, Article 4, of the Idaho Constitution and Section 67-802 of the Idaho Code, do hereby continue the designation of the Idaho Transportation Department and its Director to receive and expend monies from the federal government for public transportation assistance as provided under the applicable federal statutes.

This Executive Order repeals and replaces Executive Order No. 84-9.



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 second day of June, 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. 86-14

CONTINUATION OF THE IDAHO COMMISSION FOR CHILDREN AND YOUTH AND THE OFFICE FOR CHILDREN AND YOUTH--REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-10

WHEREAS, parent training and support services to families promotes infant and toddler development, reduces child abuse and neglect, and

provides assistance to parents in choosing quality day care; and

WHEREAS, quality preschool programs reduce the number of juveniles who need special education, drop out of school, or come into conflict with the law; and

WHEREAS, children and youth have the right to an environment that promotes positive mental health and protects them from physical and sexual abuse or neglect; and

WHEREAS, over 20,000 children and youth in the State of Idaho are having problems with substance abuse and 60 percent of child abuse can be attributed to alcohol; and

WHEREAS, prevention and early rehabilitation and diversion programs can have a major impact on reducing the numbers of children and youth coming into conflict with the law; and

WHEREAS, the State of Idaho must continue to offer our children and youth who come into conflict with the law opportunities to reevaluate their conduct and its impact on their future; and

WHEREAS, services for children and youth in Idaho are fragmented and unevenly distributed; and

WHEREAS, the continuation and enhancement of children and youth service programs requires community involvement and a focus reflecting the experience and values of Idaho; and

WHEREAS, the continuation and enhancement of children and youth service programs is in the best interest of all Idahoans;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho do hereby continue the Idaho Commission for Children and Youth and the Office for Children and Youth within the Office of the Governor.

The Commission's responsibilities will be:

1. To be informed about children and youth programs throughout the State and advise the Governor regarding their operation;
2. To advise the Governor on problems, policies and programs relating to children and youth who are now or may in the future come into conflict with the law;
3. To provide an advocacy function in promoting legislation pertaining to services and laws affecting children and youth;
4. To mediate among service providers as a third party in areas of disagreement;
5. To encourage interagency cooperation and coordination on the state and local levels and help to eliminate duplication of services where appropriate;
6. To provide guidance in the development and implementation of improved policies for children and youth in the state; e.g., judicial, health, education, employment, rehabilitation, recreation, and social services;
7. To carry out all responsibilities required by the Juvenile Justice and Delinquency Prevention Act (P.L. 93-415), as amended, including distribution, monitoring, and evaluation of federal grant funds made available to the State of Idaho under this Act; and including the preparation and administration of the state plan submitted under Section 223 of P.L. 93-415, as amended;
8. To oversee and evaluate such activities and events as may be deemed necessary by the Governor;

9. To represent the Governor at national and state functions regarding children and youth; and
10. To present to the Governor on June 30 of each year a report on the Commission's achievements and impact on youth service programs and policies.

The Commission will be composed of not less than 15 or more than 33 members appointed by the Governor according to the following guidelines.

The membership shall include:

1. Locally-elected officials;
2. One-third who are under age 24 when appointed, including three who are or have been under jurisdiction of the juvenile justice system; and
3. No more than ten members who are full-time employees of federal, state, or local government.

The Commission membership may be drawn from representatives of:

--local law enforcement, probation, and corrections agencies
--juvenile or family court judges
--deliquency prevention or treatment agencies--public, private and community based
--groups serving neglected or dependent children
--organizations concerned with the quality of juvenile justice, education, and social services
--business groups and businesses employing youth
--youth involved in any youth programs
--persons with special experience in the area of learning disabilities
--organizations representing the law enforcement, social work, education, and other related professions
--early childhood development groups

Commission members will serve a term of three years or at the pleasure of the Governor. The Governor will appoint a chairman and vice-chairman, whose terms will be one year. The Commission may establish an executive committee and subcommittees at its discretion.

The Office for Children and Youth will be headed by an Administrator appointed by the Governor. The position of the Administrator will be exempt from the provisions of Chapter 53, Title 67, Idaho Code, and the Administrator will be responsible for hiring and supervising the support staff, who shall be classified as "limited service employees."

The Office for Children and Youth shall assist the Idaho Commission for Children and Youth in carrying out its responsibilities. The Office shall report to the Governor or such persons as he might designate any and all information he might request.

This Executive Order repeals and replaces Executive Order No. 84-10.

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 twenty-seventh day of June, 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. 86-15

CONTINUATION OF THE IDAHO CONSORTIUM FOR HUMAN AND ANIMAL HEALTH, REPEALING AND REPLACING EXECUTIVE ORDER NO 84-11

WHEREAS, it is in the public interest to promote the well being of the people of Idaho by optimal use of resources related to human and animal health; and

WHEREAS, the most efficient and effective use of scarce resources requires cooperative planning as well as sharing information, technical capability and equipment;

WHEREAS, the public agencies that are responsible for various aspects of human and animal health at the state, local, and federal levels need to maintain and enhance open lines of communication; and

WHEREAS, the State of Idaho has experienced complicated and perplexing crises such as the PCB contaminated livestock episode in 1979 and the ash fallout from Mount St. Helen's volcano in 1980, both having serious implications for human and animal health;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me, do hereby continue the Idaho Consortium for Human and Animal Health, which shall be composed of the State Health Officer, the Chief of the State Bureau of Laboratories in the Department of Health and Welfare, the Administrator of the Division of Animal Industries in the Department of Agriculture, the Administrator of the Division of Plant Industries in the Department of Agriculture, the Director of the University of Idaho Veterinarian Medicine in Caldwell, a Professor of Veterinary and Comparative Toxicology at the University of Idaho, Director of the Department of Fish and Game, the Administrator of the Division of Environment in the Department of Health and Welfare, and the Chairman of the Conference of Public Health District Directors or their designee.

The appointment of this Consortium is made with the understanding that policy-making responsibilities and the administration of affected state programs as provided by the Idaho Code will be maintained as

legally required, and the Consortium will report to the Governor's Office, Department Directors, and Agency Boards that have different degrees of responsibility for programs related to human and animal health.

The appointment of this Consortium is made with the understanding that its main responsibility will be to maximize the use of all government resources that can be applied to an optimum understanding of human and animal health concerns, particularly those functions involving laboratory study, research initiatives, and the coordination of acute information needs necessary for accurate technical analysis. This will require the coordination of ongoing programs and the investigation of high-priority health problems that require the prompt organization of diverse data necessary for the prevention of widespread, costly illness in humans and animals.

The appointment of this Consortium is made with the understanding that the people serving in these positions have extensive technical knowledge and experience available in state government for the protection and maintenance of human and animal health in the State of Idaho, and, therefore, have access to other state, local, and federal government resources. Since these resources extend far beyond the members of the Consortium, yet remain essential to laboratory coordination and research direction for health-related concerns, the Consortium must make every effort to maximize their effectiveness and consider the resources of other state and federal agencies.

The appointment of the Chairperson of the Consortium shall be made by the Governor from a list of recommendations submitted by the Consortium. The Chairperson will serve at the pleasure of the Governor. Regular meetings of the Consortium will be held twice annually and emergency meetings may be called at any time.

This Executive Order repeals and replaces Executive Order No. 84-11.

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 twelfth day of August, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-16

ESTABLISHING A SYSTEM FOR ALLOCATING THE 1986 UNIFIED VOLUME CAP IN THE STATE CONSISTENT WITH THE PROVISIONS OF HOUSE BILL 3838

WHEREAS, on December 17, 1985, the United States House of Representatives adopted House Bill 3838 (in the form so adopted, the "Bill"); and

WHEREAS, if enacted into law in its present form, the Bill would apply to state and local government obligations issued after December 31, 1985; and

WHEREAS, the Bill proposes to create a new "unified volume cap" (the "Unified Volume Cap") in lieu of the private activity bond cap currently set forth in Section 103(n) of the Internal Revenue Code of 1954, as amended, by enacting Section 145 of the Internal Revenue Code of 1985 (the "Code"); and

WHEREAS, bonds subject to a volume limitation are expanded by the Bill to include virtually all nonessential function bonds and certain essential function bonds all as set forth in the Bill; and

WHEREAS, although, as of the date hereof, the Bill has not been passed by the Senate of the United States of America, because of its retroactive effective date, the State of Idaho (the "State") and its governmental units must treat the Bill as if it had the effect of law; and

WHEREAS, although the State opposes the enactment of the Bill because the Bill contains provisions which drastically limit and impair the power and ability of the State and its governmental units to issue bonds and other obligations, this Executive Order is essential to enable the State and its governmental units to finance their projects and programs; and

WHEREAS, it is necessary and desirable and in the best interest of the welfare of the residents of the State to issue this Executive Order in order to provide a different formula for allocating the Unified Volume Cap other than the fomula contained in Section 145 of the Code to establish a more equitable allocation of the Unified Volume Cap among the State and its governmental units which will better promote industrial and economic development and encourage private investment in the economy of the State;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the power vested in me by the Constitution and laws of the State of Idaho do hereby order and proclaim:

Section 1. As used in this Executive Order:

(1) "Allotment Dollars" means the dollar amount of the Unified Volume Cap allocated to the allotment accounts. Each allotment dollar equals one dollar of Unified Volume Cap that may be allocated under this Executive Order.

(2) "Bill" means H.R. 3838, in the form adopted by the United States House of Representatives on December 17, 1985.

(3) "Bonds" means (a) nonessential function bonds as described in Section 141 of the Code other than Qualified Bonds and (b) essential function bonds the gross proceeds of which in excess of

$1,000,000 are to be used as described in Section 141(a)(1)(A) or 141(a)(1)(B) of the Code, but only in each case to the extent subject to an allocation of the Unified Volume Cap.

(4) "Code" means the Internal Revenue Code of 1985, as proposed by the Bill, and any related regulations.

(5) "Department" means the Department of Commerce.

(6) "Director" means the director of the Department or such other official or officials of the Department as the director shall designate to carry out the duties of the director set forth in this Executive Order.

(7) "501(c)(3) Issuers" means Governmental Units, other than the Health Facilities Authority, issuing Qualified 501(c)(3) Bonds.

(8) "Governmental Unit" means (a) any county, city or port district, (b) any public corporation created pursuant to Section 50-2703 of the Idaho Code, or other entity acting on behalf of one or more counties, cities, or both, (c) the State, or (d) any other entity authorized to issue Bonds or Qualified Bonds.

(9) "Health Chairman" means the director of the Health Facilities Authority or such other official or officials of the Health Facilities Authority as the director shall designate to carry out the duties of the director set forth in this Executive Order.

(10) "Health Facilities Authority" means the Idaho Health Facilities Authority.

(11) "Housing Agency" means the Idaho Housing Agency.

(12) "Housing Chairman" means the director of the Housing Agency or such official or officials of the Housing Agency as the director shall designate to carry out the duties of the director set forth in this Executive Order.

(13) "Project" means the facility, facilities, or programs to be financed in whole or in part with the proceeds of sale of Bonds or Qualified Bonds.

(14) "Qualified 501(c)(3) Bonds" means qualified 501(c)(3) bonds as defined in Section 144(b) of the Code.

(15) "Qualified Bonds" means, collectively, Qualified 501(c)(3) Bonds, Qualified Mortgage Bonds, Qualified Redevelopment Bonds, Qualified Residential Rental Project Bonds and Qualified Veterans' Mortgage Bonds.

(16) "Qualified Mortgage Bonds" means qualified mortgage bonds as defined in Section 143(a) of the Code.

(17) "Qualified Redevelopment Bonds" means qualified redevelopment bonds as defined in Section 144(d) of the Code.

(18) "Qualified Residential Rental Project Bonds" means exempt facility bonds issued for qualified residential rental projects as defined in Section 142(c) of the Code.

(19) "Qualified Veterans' Mortgage Bonds" means qualified veterans' mortgage bonds as defined in Section 143(b) of the Code.

(20) "State" means the State of Idaho, any of its agencies, and any of its institutions of higher education.

(21) "State Ceiling" shall have the same meaning as when such term is defined in Section 50-2801(7) of the Idaho Code.

(22) "Unified Volume Cap" means the unified volume cap for the State as computed under Section 145 of the Code.

(23) "Year" means, unless the context otherwise requires, the calendar year beginning January 1, 1986, and ending December 31, 1986.

Section 2. The Unified Volume Cap for the Year is allocated among Governmental Units in accordance with the formula provided in Section 3. An allocation of the Unified Volume Cap from the Balance Account, the Redevelopment Account and, under certain circumstances, the 501(c)(3) Account may be obtained by submitting an application to the Director in accordance with Section 6 or Section 8, as appropriate. The Director shall evidence a grant of an allocation of the Unified Volume Cap by issuing a certificate in accordance with Section 7 or Section 8, as appropriate. An allocation of the Unified Volume Cap from the 501(c)(3) Account for a particular Project shall be made by the Health Chairman. The Health Chairman shall administer all allocations of the Unified Volume Cap from the 501(c)(3) Account except for allocations to 501(c)(3) Issuers and shall keep detailed records of all allocations from the 501(c)(3) Account. 501(c)(3) Issuers may obtain an allocation of the Unified Volume Cap from the 501(c)(3) Account by submitting an application to the Director in accordance with Section 6 or Section 8, as appropriate, and upon submission to the Director of a preliminary opinion of bond counsel that the proposed obligations qualify as Qualified 501(c)(3) Bonds. An allocation of the Unified Volume Cap from the Housing Account for a particular project shall be made by the Housing Chairman who shall administer all allocations of the Unified Volume Cap from the Housing Account and shall also keep detailed records of all allocations from the Housing Account. Allocations of the State Ceiling made pursuant to Chapter 28, Title 50 of the Idaho Code and any executive orders promulgated thereunder, to the extent applicable, are ratified, approved, and confirmed.

Section 3. (1)(a) There are created the following allotment accounts:

(i) the 501(c)(3) Account;

(ii) the Redevelopment Account;

(iii) the Housing Account; and

(iv) the Balance Account.

(b) All Allotment Dollars for the Year shall be allocated into the allotment accounts on the effective date of this Executive Order as follows:

(i) the portion of Allotment Dollars required to be reserved for Qualified 501(c)(3) Bonds under Section 145(g) of the Code (as determined by the Director) to the 501(c)(3) Account;

(ii) the portion of Allotment Dollars (if any) required to be reserved for Qualified Redevelopment Bonds under Section 145(i) of the Code (as determined by the Director) to the Redevelopment Account;

(iii) 50% of the total Allotment Dollars remaining after the allocations required by (i) and (ii) above to the Housing Account; and

(iv) 50% of the total Allotment Dollars remaining after the allocations required by (i) and (ii) above to the Balance Account;

(2) The 501(c)(3) Account provides available Allotment Dollars for the Health Facilities Authority and 501(c)(3) Issuers.

(3) The Redevelopment Account provides available Allotment Dollars only for Governmental Units that issue Qualified Redevelopment Bonds.

(4) The Housing Account provides available Allotment Dollars for the Housing Agency which is the only governmental unit in the State that issues Qualified Mortgage Bonds, Qualified Veterans' Mortgage Bonds, or Qualified Residential Rental Project Bonds. The Allotment Dollars in the Housing Account may be allocated for Qualified Mortgage Bonds, Qualified Residential Project Bonds, or Qualified Veterans' Mortgage Bonds in such proportions and in such amounts as determined by the Housing Agency.

(5) The Balance Account provides available Allotment Dollars for all Governmental Units that issue Bonds or, subject to the limitation in Section 5, Qualified Bonds.

Section 4. (1) Upon written notification to the Director by a Governmental Unit or a 501(c)(3) Issuer that it will not issue or has not issued all or a stated portion of Bonds or, in the case of a 501(c)(3) Issuer, Qualified 501(c)(3) Bonds, for which an allocation of Allotment Dollars from the appropriate allotment account has been made, the Director shall reallocate such Allotment Dollars to the allotment account from which the allocation was originally made. The Health Chairman and the Housing Chairman shall be responsible for accounting for all allocations made from the respective 501(c)(3) Account and the Housing Account, all Qualified Bonds issued pursuant to such allocations and all allotment dollars available in such accounts at any given time.

(2) Any Allotment Dollars which have been allocated to a Governmental Unit other than the Health Facilities Authority or the Housing Agency for which Bonds or Qualified Bonds are not issued by the earlier of ninety (90) days after their allocation or December 30, 1986, other than allocations for carryforward Projects as described in Section 8, shall be transferred on that date into the allotment account from which the allocation was originally made.

Section 5. Anything herein to the contrary notwithstanding, Allotment Dollars may not be allocated to any Governmental Unit from the Balance Account for purposes of issuing Qualified Bonds unless there are insufficient Allotment Dollars available for the particular Project for which an allocation is requested in the 501(c)(3) Account, the Redevelopment Account or the Housing Account, as appropriate; provided that, if insufficient Allotment Dollars are available in the 501(c)(3) Account, the Redevelopment Account or the Housing Account, as appropriate, for an issue of Qualified Bonds for which an application has been submitted, the Governmental Unit applying to the Director for such allocation shall receive an allocation from the Balance Account in an amount sufficient that, when combined with the allocation of available Allotment Dollars for the particular Project from the appropriate allotment account corresponding to the proposed issue of Qualified Bonds, the full amount of the requested allocation will have been granted; provided further that no such allocation shall be made from the Balance Account unless sufficient Allotment Dollars are available therein to, when combined with the available Allotment Dollars in the allotment account corresponding to the proposed issue of Qualified

Bonds, equal the full amount of the requested allocation.

Section 6. (1) Any Governmental Unit other than the Health Facilities Authority or the Housing Agency proposing to issue Bonds or Qualified Bonds shall, prior to the issuance of such Bonds or Qualified Bonds, submit an application to the Director which contains the information and attachments:

(a) the name of the Governmental Unit;
(b) the mailing address of the Governmental Unit;
(c) the tax identification number of the Governmental Unit;
(d) the name, title and office telephone number of the official of the Governmental Unit to whom notices should be sent and from whom information can be obtained;
(e) the principal amount of the Bonds or Qualified Bonds proposed to be issued for which an application for an allocation of the Unified Volume Cap is requested;
(f) the nature and the specific location of the Project or the type of program;
(g) the initial owner(s) or user(s) of the Project;
(h) a copy of a valid and fully executed inducement resolution or similar official action passed by the Government Unit with respect to the Project (this is not required for 501(c)(3) Issuers);
(i) the anticipated date on which the Bonds or Qualified Bonds are expected to be sold and the anticipated date on which the closing or final transaction with respect to the issuance and sale of the Bonds or Qualified Bonds is expected to occur;
(j) the name, address and telephone number of all parties to the transaction;
(k) the applicable provisions of the Code under which the Bonds or Qualified Bonds are expected to be issued;
(l) any other information or attachments reasonably required as set forth in rules promulgated by the Director.

(2) The Director shall (a) establish the form of application for requests for allocations of the Unified Volume Cap, which form shall contain the information required by Section 6(1), and (b) make such form available to the public upon request.

(3) The Director shall be under no obligation to process any application that is incomplete. Any application submitted by a Governmental Unit that the Director does not process shall be returned by the Director on or before the fifteenth (15th) day after the receipt thereof with a brief explanation as to why the application was not processed.

Section 7. (1) Except as otherwise provided in this Executive Order, on or before the fifteenth (15th) day after receipt by the Director of an application for an allocation of the Unified Volume Cap (including applications by the Health Facilities Authority and the Housing Agency for allocations from the Balance Account) the Director shall, if the application is in satisfactory order, make the requested allocation in the amount so requested, if available, from the appropriate allotment account and certify to the Governmental Unit applying for the allocation that an allocation has been made, the allotment account or allotment accounts from which the allocation has been made, the Project for

which the allocation has been made and the amount of such allocation. On or before the fifteenth (15th) day after receipt by the Director of an application by a 501(c)(3) issuer for an allocation of Allotment Dollars from the 501(c)(3) Account and the required preliminary opinion of bond counsel, the Director shall, if the application is in satisfactory order, make the requested allocation in the amount so requested, if available, from the 501(c)(3) Account and certify to the 501(c)(3) Issuer that an allocation from the 501(c)(3) Account has been made, the Project for which the allocation has been made and the amount of such allocation. The Director shall notify the Health Chairman of any allocations it makes from the 501(c)(3) Account. Except as otherwise provided in this Executive Order, certificates evidencing the granting of an allocation by the Director shall be issued by the Director in the chronological order in which completed applications are received. No Governmental Unit issuing Bonds or Qualified Bonds is entitled to any allocation of the Unified Volume Cap from the Balance Account, the Redevelopment Account, or in the case of 501(c)(3) Issuers, the 501(c)(3) Account with respect to such Bonds or Qualified Bonds unless it has first received the aforementioned certificate from the Director evidencing the granting of an allocation for such Bonds or Qualified Bonds. Every allocation of the Unified Volume Cap granted under this Executive Order by the Director for which Bonds or Qualified Bonds have not been issued with respect to such allocation, except those grants made pursuant to Section 8, shall remain effective until and including the earlier of (a) the ninetieth (90th) day after the date on which such allocation was granted or (b) 12:00 o'clock midnight on December 30, 1986. The Health Chairman (for other than 501(c)(3) Issuers) and the Housing Chairman shall determine how long allocations from the 501(c)(3) Account and the Housing Account respectively shall remain effective; however, in no event shall such allocations, except those made pursuant to Section 8, remain effective after 12:00 o'clock midnight on December 31, 1986.

(2) No application submitted by a Governmental Unit to the Director shall be processed if the amount of allocation of the Unified Volume Cap requested in such application is in excess of the amount of Unified Volume Cap remaining available in the appropriate allotment account for allocation, except as provided in Section 5. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in the chronological order in which received, granting allocations from the appropriate allotment accounts pursuant to the provisions of this Executive Order.

Section 8. (1) Governmental Units other than the Health Facilities Authority and the Housing Agency but including 501(c)(3) Issuers with Projects qualifying as carryforward Projects under Section 145(f) of the Code may apply for an allocation of Allotment Dollars for such carryforward Projects from the 501(c)(3) Account with respect to Qualified 501(c)(3) Bonds, the Redevelopment Account with respect to Qual-

ified Redevelopment Bonds, or the Balance Account with respect to all Bonds or Qualified Bonds, subject to the limitation set forth in Section 5, by submitting an application to the Director on or after October 1, 1986. Applications for an allocation of the Unified Volume Cap for carryforward Projects shall contain:

(a) the classification of the Project under Section 145(f)(5) of the Code;

(b) any information required by Section 145(f)(2) of the Code;

(c) a certification signed by both an official of the Governmental Unit responsible for the supervision of the issuance of the Bonds or Qualified Bonds with respect to the Project and a representative of the person or entity constructing, acquiring, or rehabilitating the Project or administering the program, stating that they will proceed with diligence to insure the issuance of the Bonds or Qualified Bonds within the carryforward period provided by Section 145(f)(3) of the Code;

(d) a preliminary opinion from bond counsel that the Project qualifies for carryforward under Section 145(f) of the Code and, in the case of 501(c)(3) Issuers, that the proposed obligations qualify as Qualified 501(c)(3) Bonds; and

(e) such other information and attachments as are set forth in Section 6(1).

The Health Chairman and the Housing Chairman shall, in their discretion, allocate Allotment Dollars in the respective 501(c)(3) Account and the Housing Account to Projects qualifying as carryforward Projects. Upon receipt of an application by the Director from 501(c)(3) Issuers for allocations of Allotment Dollars from the 501(c)(3) Account for Projects qualifying as carryforward Projects, the Director shall allocate Allotment Dollars remaining in the 501(c)(3) Account on a first come first served basis based upon receipt of such applications on or after October 1, 1986, after the Health Chairman has allocated Allotment Dollars in the 501(c)(3) Account to carryforward Projects for the Health Facilities Authority.

(2) No application submitted by a Governmental Unit pursuant to this section shall be processed if the amount of allocation of the Unified Volume Cap requested in the application is in excess of the amount of the Unified Volume Cap remaining available in the appropriate allotment account for allocation, except as provided in Section 5. Any application not processed for the reason stated in this subsection may be resubmitted to the Director with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should any allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications submitted for qualifying carryforward Projects in the chronological order in which received, granting allocations from the appropriate allotment accounts pursuant to the provisions of this Executive Order.

(3) Allocations of the Unified Volume Cap for qualifying carryforward Projects shall be granted by the Director in the amount requested by the applying Governmental Unit, if available, on or

before the fifteenth (15th) day after receipt by the Director of an application in satisfactory order for an allocation of the Unified Volume Cap for a qualifying carryforward Project, but no later than December 31, 1986, and in the chronological order in which applications for such allocations are received. The Director shall issue certificates evidencing the granting of an allocation within the time period specified in the preceding sentence to each Governmental Unit which applied to the Director and which received an allocation of the Unified Volume Cap for a qualifying carryforward Project for each such qualifying carryforward Project of such Governmental Unit similar to the certificates described in Section 7 hereof stating the amount of Allotment Dollars in the appropriate allotment account or allotment accounts which have been allocated to such Governmental Unit, specifying the qualifying carryforward Project for which the allocation has been made and specifying the expiration date of the allocation, as provided by Section 145(f)(3) of the Code.

Section 9. No application submitted to the Director may be amended without the consent of the Director; provided, however, that no such consent shall be required for a Governmental Unit to submit a new application in order to replace a previously submitted application if such new application is submitted before an allocation is made on the basis of the original application; provided further, that the consent of the Director shall not be required for a Governmental Unit to withdraw a previously submitted application. For purposes of receiving an allocation of the Unified Volume Cap, any application that has been amended shall be treated as though such application was submitted on the date that the amendment was made, rather than on the date of the original submission of such application.

Section 10. (1) Any Governmental Unit other than the Health Facilities Authority and the Housing Agency issuing Bonds or Qualified Bonds without a certificate of the Director issued pursuant to Section 7 or Section 8, as appropriate, evidencing the granting of an allocation for such Bonds or Qualified Bonds, or any Governmental Unit issuing Bonds or Qualified Bonds after the expiration of an allocation under Section 7 or Section 8, as appropriate, or any Governmental Unit issuing Bonds or Qualified Bonds in excess of the allocation set forth in the aforementioned certificate, or any Governmental Unit issuing Bonds or Qualified Bonds as described in subsection (4) of this section, is not entitled to any allocation of the Unified Volume Cap for any of such Bonds or Qualified Bonds and all of such Bonds or Qualified Bonds shall be deemed to have been issued without any such allocation.

(2) Each Governmental Unit other than the Health Facilities Authority and the Housing Agency shall advise the Director on or before the earlier of the sixtieth (60th) day after the issuance of any Bonds or Qualified Bonds or December 30, 1986, of the principal amount of Bonds or Qualified Bonds issued pursuant to the certificate issued by the Director evidencing the granting of an allocation for such Bonds or Qualified Bonds by delivering to the Director a copy of the Department of the Treasury Form 8038 (or any successor form thereto) which was delivered to the Internal Revenue Service in connection with the Bonds or Qualified Bonds, or if no Bonds or Qualified Bonds are issued, shall so advise the Director on or before the

earlier of (a) the fifteenth (15th) day after the earlier of (i) the final decision not to issue the Bonds or Qualified Bonds or (ii) the expiration of the allocation or (b) December 30, 1986.

(3) In the event that (a) the amount of Bonds or Qualified Bonds actually issued by a Governmental Unit for a given Project is less than the amount allocated by the Director pursuant to the application submitted for such Project or (b) no Bonds or Qualified Bonds are issued pursuant to the grant of an allocation of the Unified Volume Cap by the Director (except those grants made pursuant to Section 8 hereof), then the allocation received by the Governmental Unit shall be adjusted on the records kept by the Director; or in the case of allocations by the Director from the 501(c)(3) Account to 501(c)(3) Issuers, the Director shall communicate such information to the Health Chairman who shall adjust the records with respect to the 501(c)(3) Account to reflect the amount of the Unified Volume Cap actually used, if any, and such unused amount of the Unified Volume Cap shall immediately become available for allocation pursuant to the provisions of this Executive Order from the allotment account from which the allocation was originally received.

(4) Each Governmental Unit shall cooperate with the Director in furnishing any information the Director reasonably requires. If a Governmental Unit obtains an allocation of the Unified Volume Cap for a particular Project from the Director as provided in Section 7 or Section 8, as appropriate, but does not issue its Bonds or Qualified Bonds within the prescribed time limit, or issues a lesser amount of Bonds or Qualified Bonds within the prescribed time limit, such Governmental Unit may again submit an application with respect to the proposed Bonds or Qualified Bonds or portion of such Bonds or Qualified Bonds not issued for such Project as provided in Section 7 or Section 8, as appropriate. Such application shall be treated as a new application.

Section 11. The Department shall serve as the agency of the State responsible for the receipt, verification and approval of applications for allocations of the Unified Volume Cap from the Balance Account, the Redevelopment Account and, in the case of 501(c)(3) Issuers, the 501(c)(3) Account and for authorization of allocations from such accounts. The Health Facilities Authority and the Housing Agency shall serve as the agencies of the State responsible for the verification and approval of allocations of the Unified Volume Cap from the 501(c)(3) Account and the Housing Account respectively. The duties of the Department, the Health Facilities Authority and the Housing Agency under the provisions of this Executive Order shall be fulfilled by the Director, the Health Chairman and the Housing Chairman respectively.

Section 12. In addition to the duties otherwise specifically set forth in this Executive Order, the Director shall:

(1) determine the Unified Volume Cap for the Year under Section 145(d) of the Code;

(2) determine, in accordance with the Code, the amount of Allotment Dollars to be deposited into the 501(c)(3) Account, the Redevelopement Account, the Housing Account and the Balance Account within fifteen (15) days after the effective date after this Executive Order;

(3) maintain a record of all applications filed by Governmental Units under Section 6 and Section 8 and all certificates issued under Section 7 and Section 8;

(4) maintain a record of all Bonds and Qualified Bonds issued by Governmental Units other than Qualified Bonds issued by the Health Facilities Authority and the Housing Agency (which shall keep records of Qualified Bonds issued by them and shall make such records available to the Director) during the Year and maintain a record of the allotment accounts from which allocations for such Bonds and Qualified Bonds were made;

(5) maintain a record of all information filed by Governmental Units under this Executive Order;

(6) make available upon reasonable request a certified copy of all or any part of the records maintained by the Department under this Executive Order or a summary thereof including information regarding the Unified Volume Cap for the Year and any amounts available, or at any time remaining available, for allocation from each allotment account under this Executive Order; and

(7) promulgate reasonable rules not inconsistent with the Executive Order deemed necessary or expedient to allocate the Unified Volume Cap under this Executive Order.

Section 13. If any provision of this Executive Order shall be held to be, or shall, in fact, be invalid, inoperative or unconstitutional, the defect of the provision shall not affect any other provision of this Executive Order or render it invalid, inoperative, or unenforceable. To the extent this Executive Order shall be held or shall, in fact, be invalid, inoperative or unconstitutional, all allocations of the Unified Volume Cap previously made under this Executive Order shall be treated as allocations made by the Governor of the State.

Section 14. This Executive Order shall not affect any allocations in the State with respect to any date prior to the date hereof made pursuant to any other Executive Orders or laws of the State.

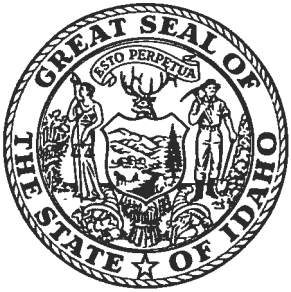
Section 15. The State pledges and agrees with the owners of any Bonds and the owners of any Qualified Bonds to which an allocation of the Unified Volume Cap has been granted under this Executive Order that the State will not retroactively alter the allocation of the Unified Volume Cap to such Bonds or Qualified Bonds.

Section 16. No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt or liability of the State or be deemed to constitute an approval of any obligation issued or to be issued hereunder.

Section 17. The purpose of this Executive Order is to maximize the benefits of financing through the use of Bonds or Qualified Bonds by providing a formula for allocating the Unified Volume Cap within the meaning of Section 145(e) of the Code.

Section 18. This Executive Order shall be effective immediately and continue in effect until the end of the Year unless repealed or superseded by operation of State or federal law. However, allocations for carryforward Projects pursuant to Section 8 hereof shall remain effective for the term of such allocation provided for in Section 145(f) of

the Code. It is the intent of the Governor to promulgate a new Executive Order in the event the Bill does not become law in its present form.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-third day of July, 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. 86-17

CONTINUATION OF THE ARCHITECTURALLY BARRIER-FREE PUBLIC FACILITIES COORDINATION COMMITTEE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-14

WHEREAS, the Legislature of the State of Idaho has recognized the need to insure that all public buildings, structures, accommodations, sidewalks, curbs, parking areas, and related facilities shall be accessible to and usable by the handicapped; and

WHEREAS, the federal government has mandated that programs receiving federal funds must be accessible to handicapped persons; and

WHEREAS, it is the policy and intent of the Executive Branch of the government of the State of Idaho to make its programs available to all the citizens of the state;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the Architecturally Barrier-Free Public Facilities Coordination Committee.

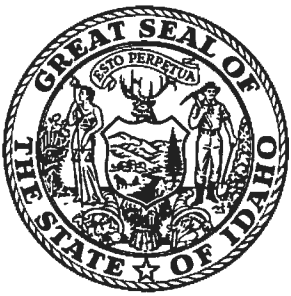
This Committee shall continue to have the following responsibilities within the Executive Department of the State of Idaho:

1. To develop a set of proposed rules and regulations which will carry out the requirements of Title 39, Chapter 32, Idaho Code, Building Facilities for the Physically Handicapped;
2. To adopt standards which will clarify architectural barrier issues and requirements;
3. To develop a comprehensive plan to bring all state facilities into compliance with Section 504 of the Rehabilitation Act of 1973 and Title 39, Chapter 32, Idaho Code. This comprehensive plan should prioritize the areas of need in relation to the funds available to correct such violations;

4. To develop a systematic plan in which future public facilities will comply with the applicable handicapped standards;
5. To forward the recommendations and proposals outlined above to this office and, if this office is of the opinion that the recommendations and proposals are in the best interest of the State of Idaho, this office will forward them to the Permanent Building Fund Advisory Council for final review and action;
6. To provide liaison between the Administrator of the Division of Public Works and the various federal agencies involved in Handicap Accessibility Standards; and
7. To perform other duties as directed by the Governor.

The Architecturally Barrier-Free Public Facilities Coordination Committee shall be composed of the directors or their designees of the following agencies: Administration, Employment, Transportation, Parks and Recreation, Labor and Industrial Services, Education, and Health and Welfare. Additionally, the Governor may appoint five (5) citizens to this Committee and preference shall be given to citizens who are members of organizations committed to helping the handicapped.

This Executive Order repeals and replaces Executive Order No. 84-14.



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 seventh day of August, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-18

CONTINUATION OF THE IDAHO STATEHOOD CENTENNIAL COMMISSION, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-13

WHEREAS, on July 3, 1890, Idaho became the Nations's Forty-third State when President Benjamin Harrison signed the Idaho Admission Act; and

WHEREAS, Idaho convened a Constitutional Convention on July 4, 1889, to adopt a State Constitution later ratified by the people of our Great Gem State; and

WHEREAS, on July 3, 1990, Idaho will celebrate the one hundredth

anniversary of Statehood; and

WHEREAS, the people of Idaho share an abiding pride in the state's pioneer heritage, and the Idaho Statehood Centennial offers all Idahoans an opportunity to renew that spirit of independence and self-reliance as we look to the future;

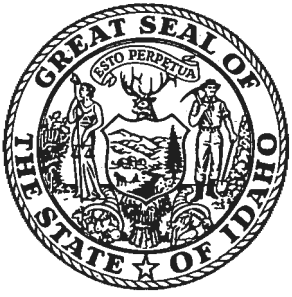
NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me, do hereby order the continuation of the Idaho Statehood Centennial Commission in the Office of the Governor.

The Commission shall consist of not less than seven members appointed by the Governor. The term of office shall be two years. The Governor shall further designate one of the members as the Commission Chairperson.

The Idaho Statehood Centennial Commission shall be responsible for:

1. Planning of Idaho's Statehood Centennial celebration to include projects of permanent value to the people of Idaho as well as statewide commemorative events;
2. Cooperating with local government and community organizations to stimulate local Centennial initiatives;
3. Identifying sources of funding, particularly in the private sector, to support Centennial programs and the work of the State Commission; and
4. Promoting national recognition of the Idaho Centennial by co-ordinating with neighboring states that share the state admission history or 1889-1890 (Montana, Washington, Wyoming, North Dakota, and South Dakota).

This Executive Order repeals and replaces Executive Order No. 84-13.



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 seventh day of August, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:
/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-19

CONTINUING PROCEDURES FOR MAINTAINING A PROPERTY INVENTORY SYSTEM, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-16

WHEREAS, proper control of chattel property is necessary for

effective management of state resources; and

WHEREAS, agency directors are responsible for the best possible management of property under their control; and

WHEREAS, proper budgeting, accounting, and planning decisions depend upon accurate information concerning chattel property at the agency level; and

WHEREAS, timely and accurate information concerning the availability of state property is necessary for civil defense and other statewide emergencies; and

WHEREAS, accurate records of chattel property are necessary for purposes of providing adequate property insurance and assisting in determining the extent of physical destruction of property;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me under the Constitution and laws of the State of Idaho, do hereby order as follows:

1. All agency directors shall develop and maintain an inventory system, meeting minimum requirements as set forth by the Department of Administration, for all chattel property which the agency owns or is responsible for whether under terms of any contract, grant, or otherwise.
2. Each state agency director shall be accountable for the maintenance, security, and efficient economic use--as well as the verification of physical location and condition of all chattel property belonging to that agency.
3. The agency director shall be responsible for conducting an annual inventory of all chattel property by no later than the first day of March of each fiscal year. Further, each agency director shall make a written report to the Director of the Department of Administration that the inventory has been completed by the end of the first week of March of each year on a form developed by and under such guidelines as are issued by the Department of Administration.
4. The Department of Administration shall provide all agencies with an inflation factor for chattel property in early January of each year to assist agency directors in discharging the responsibility set forth herein.
5. Each agency director may appoint a property control officer who shall be responsible for conducting the annual inventory of agency property. The property control officer shall also be responsible for ensuring the prompt recording of newly acquired property and the economical disposition of surplus property in a timely manner. The property control officer shall periodically review the values of property for reasonableness.
6. The agency director or his appointed property control officer shall have the authority to dispose of surplus property in accordance with the rules and regulations of the State Division of Purchasing.
7. The maintain uniformity among the various agency property inventory systems, the Department of Administration shall develop and distribute to each agency minimum requirements for each inventory system. Each agency should feel free to

add additional functions beyond those minimums to meet their requirements.

This Executive Order repeals and replaces Executive Order No. 84-16.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the first day of October, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-20

CONTINUATION OF THE GOVERNOR'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-17

WHEREAS, it is in the public interest to promote employment opportunities for all citizens; and

WHEREAS, the skills and abilities of handicapped individuals are a valuable human resource; and

WHEREAS, handicapped individuals have a strong desire to secure employment; and

WHEREAS, it has been shown that handicapped individuals--given an opportunity--are valuable, productive, dedicated and skilled employees; and

WHEREAS, handicapped individuals experience significant difficulties in securing employment;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by virtue of the authority vested in me by the Constitution and laws of the State of Idaho, do hereby order the continuation of the Governor's Committee on Employment of the Handicapped.

The Committee's responsibilities will be:

1. To promote increased employment opportunities for handicapped individuals,
2. To publicize the economic and social benefits of hiring and retaining the handicapped,
3. To organize and support local community "Employment of the Handicapped" committees in their efforts to encourage employment of the handicapped,
4. To provide recognition to employers who follow a policy of

hiring the handicapped, and

5. To provide recognition to employees who exemplify handicapped employee successes.

The Governor shall appoint the Committee Chairperson and members of the Committee to serve for rotating terms of two years. Committee members shall be selected from representatives of labor, business, handicapped individuals or groups that represent the handicapped, veterans' organizations, and state and local agencies providing services for the handicapped.

The Handicapped and Older Worker Specialist from the Idaho Department of Employment shall serve as Executive Director of the Committee.

This Executive Order repeals and replaces Executive Order No. 84-17.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the first day of October, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-21

RENAMING THE GOVERNOR'S COMMISSION ON ALCOHOL AWARENESS AND TRAINING TO THE GOVERNOR'S COMMISSION ON ALCOHOL-DRUG ABUSE, REPEALING AND REPLACING EXECUTIVE ORDER NO. 85-26

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 abuse of all drugs, including alcohol, has been on the rise and has become a problem of concern to all citizens throughout the State and Nation; and

WHEREAS, alcohol and drug abuse rank first among major health problems in the United States and impact one of two Idaho citizens in a life-altering manner; and

WHEREAS, the State of Idaho recognizes the need for a concerted and sustained effort to develop and support comprehensive and coordinated programs for all citizens in the prevention, recognition, and

treatment of alcohol-drug abuse and dependency and to provide professionals and concerned citizens from all disciplines with educational and training opportunities on alcohol-drug abuse and dependency; and

WHEREAS, prevention, early intervention, and diversion efforts have a major impact on reducing the number of children and youth with alcohol-drug problems; and intervention, treatment, and diversion programs have a major impact on reducing the numbers of alcohol-drug related traffic accidents, domestic violence, and criminal offenses; and

WHEREAS, the continuation and enhancement of alcohol-drug prevention, intervention, and treatment requires wise usage of limited resources and community involvement if we are to insure statewide access to alcohol-drug services; and

WHEREAS, the continuation and enhancement of the alcohol program--which has also included emphasis on other drug problems--and services is in the best interests of all Idahoans;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the authority vested in me through Article IV of the Idaho Constitution and Section 67-802, Idaho Code, do hereby rename the Governor's Commission on Alcohol Awareness and Training to be the Governor's Commission on Alcohol-Drug Abuse and establish it to be 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. The Commission and Advisory Board members shall serve at the pleasure of the Governor for terms of three years. Commission members shall serve without compensation but may be reimbursed for related travel and expenses.

The Commission's responsibilities shall be:

1. To eliminate, through education and public awareness, conditions leading to the abuse of alcohol and drugs;
2. To develop, coordinate, and oversee public and private programs and policies designed to prevent alcohol and drug abuse;
3. To be informed about alcohol-drug programs and services throughout the State and advise the Governor regarding alternatives and solutions;
4. To provide advocacy functions in promoting legislation pertaining to programs and services related to alcohol-drug issues;
5. To encourage inter-agency cooperation and coordination on the State and local levels and assist in eliminating fragmentation and duplication of services;
6. To provide guidance and recommendations in the development and implementation of new or improved services or programs related to alcohol-drug issues or problems;
7. To provide guidance and recommendations in the development and implementation of new or improved services or programs related to alcohol-drug issues or problems;
8. To apply for, accept, receive, disburse, expend, and carry out all responsibilities required--including monitoring and

evaluation--of federal, state, or private moneys made available to the Commission, to accomplish, in whole or in part, any of the purposes administered by this Commission;

9. To provide guidance in the development and implementation of improved policies for alcohol-drug programs or services in the State, including judicial, education, employment, rehabilitation, social services, medical, treatment, familial, and economic matters;
10. To perform and evaluate such activities and events as may be deemed necessary by the Governor;
11. To represent the Governor at national, state, and private functions regarding alcohol-drug related issues; and
12. To present to the Governor on July 15 of each year a report on the Commission's achievements and impact on alcohol-drug services, programs, and policies.

This Executive Order repeals and replaces Executive Order No. 85-26.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the second day of October, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-22

CONTINUATION OF A NEW BUSINESS CLEARINGHOUSE AT THE DEPARTMENT OF EMPLOYMENT JOB SERVICE OFFICES, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-18

WHEREAS, the Idaho Investment Panel recommended that close cooperation among all departments that affect Idaho's economic development be fostered; and

WHEREAS, the Idaho Investment Panel recommended the establishment of an office which would be the initial contact for a business seeking to locate in the state and this program was implemented on November 1, 1982; and

WHEREAS, the Idaho Department of Employment Job Service offices are located throughout the state to serve the needs of the local business community;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the assignment to the Idaho Department of Employment of the role of A New Business Clearinghouse.

The Department of Employment's responsibilities will be:

1. To cooperate with the Division of Economic and Community Affairs in the collection and assembly of information packets of appropriate state rules, procedures and forms necessary to start a business in Idaho;
2. To provide new business information packets to each of the Job Service offices for distribution to new business moving into their respective labor market areas; and
3. To provide to new business and existing business, in addition to the state information packets, local and county information pertaining to establishing a business including specific labor force estimates, unemployment patterns and average wage information.

This Executive Order repeals and replaces Executive Order No. 84-18.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the second day of October, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-23

CORRECTION OF EXECUTIVE ORDER NO. 86-22, CONTINUATION OF A NEW BUSINESS CLEARINGHOUSE AT THE DEPARTMENT OF EMPLOYMENT JOB SERVICE OFFICES

WHEREAS, the Idaho Investment Panel recommended that close cooperation among all departments that affect Idaho's economic development be fostered; and

WHEREAS, the Idaho Investment Panel recommended the establishment of an office which would be the initial contact for a business seeking to locate in the state and this program was implemented on November 1, 1982; and

WHEREAS, the Idaho Department of Employment Job Service offices are located throughout the state to serve the needs of the local business community;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby continue the assignment to the Idaho Department of Employment of the role of A New Business Clearinghouse.

The Department of Employment's responsibilities will be:

1. To cooperate with the Department of Commerce in the collection and assembly of information packets of appropriate state rules, procedures and forms necessary to start a business in Idaho;
2. To provide new business information packets to each of the Job Service offices for distribution to new business moving into their respective labor market areas; and
3. To provide to new business and existing business, in addition to the state information packets, local and county information pertaining to establishing a business including specific labor force estimates, unemployment patterns and average wage information.

This Executive Order repeals and replaces Executive Order No. 84-22.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the thirtieth day of October, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-24

ESTABLISHING THE IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS WITHIN THE DIVISION OF HEALTH, DEPARTMENT OF HEALTH AND WELFARE

WHEREAS, the Congress of the United States has enacted the National Health Planning and Resources Development Act of 1974 (PL 93-641), the Health Planning and Resources and Resources Development Amendments of 1979 (PL 96-79), the Health Professionals Educational Assistance Act (PL 94-484), and the Health Services Research, Health Statistics, and Medical Libraries Act of 1974 (PL 93-353) which authorizes the National Center for Health Statistics to develop a national Cooperative Health Statistics System; and

WHEREAS, the executive agencies of the State of Idaho must continue their commitment to reducing duplication of data collection and

processing through shared data systems; to improving the quality, timeliness, and comparability of health statistics; to providing equal access to data to all appropriate data users (such access to be limited by the provision of guarantees for the confidentiality of individually identifiable data); and to supporting the goals and objectives of the Cooperative Health Statistics System established by the National Center for Health Statistics;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby establish within the Vital Statistics Unit of the Division of Health, Department of Health and Welfare, the Cooperative Center for Health Statistics pursuant to the provisions of Public Laws 93-641, 96-79, 94-484, and 93-353.

FURTHERMORE, the purpose of the Idaho Cooperative Center for Health Statistics shall be to further assist the Idaho Department of Health and Welfare in the uniform collection, analysis, and dissemination of vital health care data, and to serve as the focal point for coordinating the collection, analysis, and dissemination of health data. The Cooperative Center for Health Statistics shall provide statistical support services to meet the needs of the federal, state, and local public health data users and providers in both the public and private sectors.

FURTHER, I authorize the Director of the Department of Health and Welfare to establish a subcommittee of the permanent Vital Statistics Advisory Committee, to be known as the Cooperative Center for Health Statistics Advisory Committee. The Cooperative Center for Health Statistics Advisory Committee shall advise the Department of Health and Welfare with respect to the design and use of statistical and information systems within the Division of Health and shall make specific recommendations to:

1. Develop general program policy and long-range plans for the development, implementation, and technical support of the State Cooperative Center for Health Statistics;
2. Assure that state and local health data providers, collectors, and users are appropriately involved in decision-making regarding health data;
3. Improve the availability and use of nonconfidential health data, with equal access to data limited only by the provision of guarantees of confidentiality or nondisclosure of the identity of individual respondents or data subjects;
4. Maintain an appropriate balance between legitimate access to data and protection of confidentiality and privacy;
5. With respect to technical uses of major import regarding the compatibility and integration of health data systems, recommend such standards that relate to confidentiality, quality control, and physical security;
6. Assist in the coordination of activities in the development of shared data systems for the purpose of reducing duplication of data collection and processing, minimizing respondent burden, and encouraging maximum compatibility of data; and
7. Assure that the needs of local, state, and national data users in both the public and private sectors have been

considered and that the Division of Health's data systems are flexible and responsive to these needs.

FURTHER, the Cooperative Center for Health Statistics Advisory Committee shall report its recommendations in writing to the Director of the Department of Health and Welfare, the Division of Health Administrator, and the State Health Officer at least once a year on a date designated by the Division of Health Administrator.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the thirtieth day of October, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-25

ESTABLISHING A SYSTEM FOR ALLOCATING THE VOLUME CAP IN THE STATE CONSISTENT WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986

WHEREAS, the United States Congress has enacted the Tax Reform Act of 1986, amending the Internal Revenue Code of 1954, as amended prior to the enactment of the Tax Reform Act of 1986 (the "1954 Code"), and has renamed such code the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, Section 146 of the Code subjects certain private activity and nonprivate activity bonds to a new "volume cap" (the "Volume Cap") which replaces the private activity bond limit and volume limitations set forth in Section 103(n) and Section 103A(g), respectively, of the 1954 Code; and

WHEREAS, Section 146 of the Code authorizes the governor of a state to proclaim a different formula for allocating the Volume Cap among the governmental units (or other authorities) in such state as an interim allocation system pending the enactment of state law with respect to the Volume Cap; and

WHEREAS, in order to establish a more equitable allocation of the Volume Cap among the state and its issuing authorities it is necessary and desirable to issue this Executive Order to provide an allocation formula for allocating the Volume Cap different from the formula con-

tained in Section 146 of the Code;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the power vested in me by the Constitution and laws of the State of Idaho do hereby order and proclaim:

Section 1. As used in this Executive Order:

(1) "Allotment Dollars" means the dollar amount of the Volume Cap expressed in terms of dollars. Each allotment dollar equals one dollar of Volume Cap that may be allocated under this Executive Order.

(2) "Bonds" means any obligations for which an allocation of the Volume Cap is required by the Code.

(3) "Certificates" means mortgage credit certificates described in Section 25 of the Code. With respect to any allocation of Allotment Dollars for the purpose of issuing certificates, certificates will be deemed "issued" when the mortgage credit certificate program for which the allocation is made is implemented.

(4) "Code" means the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1986 and renamed the Internal Revenue Code of 1986, and any related regulations.

(5) "Department" means the Department of Commerce of the State.

(6) "Director" means the director of the Department or such other official or officials of the Department as the director shall designate to carry out the duties of the director set forth in this Executive Order.

(7) "Form 8038" means Department of the Treasury tax form 8038 (OMB No. 1545-0720) or any other federal tax form or other method or reporting required by the Department of the Treasury under Section 149(e) of the Code.

(8) "Issuing Authority" means (a) any county, city or port district, (b) any public corporation created pursuant to Section 50-2703 of the Idaho Code, or other entity acting on behalf of one or more counties, cities, or both, (c) the State, or (d) any other entity authorized to issue Bonds or Certificates in the State.

(9) "Program" means the program to be financed in whole or in part with the proceeds of the sale of Bonds or to be implemented through the issuance of Certificates.

(10) "Project" means the facility to be financed in whole or in part with the proceeds of sale of Bonds.

(11) "Qualifying Carryforward Project or Program" means a Project or Program qualifying for carryforward under Section 146(f) of the Code.

(12) "State" means the state of Idaho, and any of its agencies, institutions and divisions authorized to issue Bonds or Certificates under State law.

(13) "Volume Cap" means the volume cap for the State as computed under Section 146 of the Code. The Volume Cap is $250,000,000 for each of calendar years 1986 and 1987.

(14) "Year" means the period August 15, 1986, through December 31, 1986, inclusive, and each calendar year thereafter, beginning January 1, 1987.

Section 2. The Volume Cap for each Year is allocated to Issuing Authorities in accordance with the procedures set forth in this Executive Order. An allocation of the Volume Cap may be obtained by submitting an application to the Director in accordance with Section 3 or Section 5, as appropriate. The Director shall evidence a grant of an allocation of the Volume Cap by issuing a certificate of allocation in accordance with Section 4 or Section 5, as appropriate.

Section 3. (1) Any Issuing Authority proposing to issue Bonds or Certificates shall, prior to the issuance of such Bonds or Certificates, submit an application to the Director which contains the following information and attachments:

(a) the name of the Issuing Authority;
(b) the mailing address of the Issuing Authority;
(c) the tax identification number of the Issuing Authority;
(d) the name, title and office telephone number or the official of the Issuing Authority to whom notices should be sent and from whom information can be obtained;
(e) the principal amount of Bonds or Certificates proposed to be issued for which an application for an allocation of the Volume Cap is requested;
(f) the nature and the specific location of the Project or the type of Program;
(g) the initial owner or user of the Project or Program, if other than the Issuing Authority;
(h) a copy of a valid and fully executed resolution or similar official action of the Issuing Authority evidencing its intention to issue Bonds or Certificates for the Project or Program;
(i) with respect to Bonds, the anticipated date on which the Bonds are expected to be sold and the anticipated date on which the closing or final transaction with respect to the issuance and sale of the Bonds is expected to occur and, with respect to Certificates, the anticipated date on which the Certificates are expected to be issued;
(j) the name, address, and telephone number of all parties to the transaction;
(k) the applicable provisions of the Code under which the Bonds or Certificates are expected to be issued; and
(l) any other information or attachments reasonably required by the Director.

(2) The Director shall (a) establish the form of application for requests for allocations of the Volume Cap, which form shall contain the information required by Section 3(1), and (b) make such form available to the public upon request.

(3) The Director shall be under no obligation to process any application that is incomplete. Any application submitted by an Issuing Authority that the Director does not process shall be returned by the Director on or before the fifteenth day after receipt thereof with a brief explanation as to why the application was not processed.

Section 4. (1) Except as otherwise provided in this Executive Order, on or before the fifteenth day after receipt by the Director of an

application for an allocation of the Volume Cap, the Director shall, if the application is in satisfactory order, make the requested allocation in the amount so requested, if available, and certify to the Issuing Authority applying for the allocation that an allocation has been made, the Project or Program for which the allocation has been made, and the amount of such allocation. Certificates of allocation evidencing the granting of an allocation by the Director shall be issued by the Director in the chronological order in which completed applications are received. No Issuing Authority issuing Bonds or Certificates is entitled to any allocation of the Volume Cap with respect to such Bonds or Certificates unless it has first received the aforementioned certificate of allocation from the Director evidencing the granting of an allocation for such Bonds or Certificates.

(2) Every allocation of the Volume Cap granted under this Executive Order by the Director for which Bonds or Certicates have not been issued with respect to such allocation, except those grants made pursuant to Section 5, shall remain effective until and including the earlier of (a) the ninetieth day after the date on which such allocation was made, (b) 12:00 o'clock midnight on December 30 of the Year in which such allocation was made, or (c) the date upon which the Director receives a written notification from any such Issuing Authority pursuant to Section 7(2). Any allocation for which Bonds or Certificates are issued on or prior to the applicable date specified in this subsection shall be irrevocably allocated to such Bonds or Certificates.

(3) Until and including December 30 of each Year, any allocation of Allotment Dollars made in such Year, except allocations made pursuant to Section 5, for which Bonds or Certificates are not issued on or prior to the applicable date specified in Section 4(2) shall be available for reallocation to applying Issuing Authorities. On December 31 of each Year, any allocation of Allotment Dollars made in such Year for which Bonds or Certificates are not issued on or prior to the applicable date specified in Section 4(2) shall become available for reallocation only for Qualifying Carryforward Projects or Programs. In either case, such reallocations shall be made in the same manner as for original allocations of Allotment Dollars.

(4) No application submitted by an Issuing Authority to the Director pursuant to this section shall be processed if the amount of allocation of the Volume Cap requested in such application is in excess of the amount of Volume Cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in the chronological order in which received, granting allocations pursuant to the provisions of this Executive Order.

Section 5. (1) Issuing Authorities with Qualifying Carryforward Projects or Programs may apply for an allocation of Allotment Dollars for such Qualifying Carryforward Projects or Programs by submitting an application to the Director which shall contain:

(a) the carryforward purpose for the Bonds or Certificates under Section 146(f) of the Code;
(b) any other information required by Section 146(f) of the Code;
(c) a certification signed by both an official of the Issuing Authority responsible for the supervision of the issuance of the Bonds or Certificates and, if applicable, a representative of the person or entity constructing, acquiring, or rehabilitating the Project or administering the Program, stating that the Issuing Authority and, if applicable, such person or entity, will proceed with diligence to insure the issuance of the Bonds or Certificates within the carryforward period provided by Section 146(f) of the Code;
(d) a preliminary opinion from bond counsel that the Project or Program qualifies for carryforward under Section 146(f) of the Code, if applicable;
(e) if applying for an allocation of Allotment Dollars for the purpose of issuing Certificates, the amount of qualified mortgage bonds defined in Section 143 of the Code which the Issuing Authority elects not to issue under the Code; and
(f) such other information and attachments as are set forth in Section 3(1).

(2) No application submitted by an Issuing Authority to the Director pursuant to this section shall be processed if at the time such application is considered the amount of allocation of the Volume Cap requested in such application is in excess of the amount of Volume Cap remaining available for allocation. Any application not processed for the reason stated in this subsection may be resubmitted to the Director, with or without a change in the amount of allocation requested. Any application resubmitted to the Director pursuant to this subsection shall be treated as a new application. Should an allocation not be granted for the reasons stated in this subsection, the Director shall continue to process other applications in the chronological order in which received, granting allocations pursuant to the provisions of this Executive Order.

(3) Allocations of the Volume Cap for Qualifying Carryforward Projects or Programs shall be granted by the Director in the amount requested by the applying Issuing Authority, if available, on or after December 1, but no later than December 31, of the Year in which an application in satisfactory order is submitted to the Director for an allocation of the Volume Cap for a Qualifying Carryforward Project or Program in the chronological order in which applications for such allocations are received. The Director shall issue certificates of allocation evidencing the granting of an allocation within the time period specified in the preceding sentence to each Issuing Authority which applied to the Director and which received an allocation of the Volume Cap for a Qualifying Carryforward Project or Program for each such Qualifying Carryforward Project or Program of such Issuing Authority, such certificates of allocation to be similar to the certificates of allocation described in Section 4, stating the amount of Allotment Dollars which have been allocated to such Issuing Authority, specifying the Qualifying Carryforward Project or Program for which the allocation has been made and specifying the expiration date

of the allocation, as provided by Section 146(f) of the Code.

Section 6. No application submitted to the Director may be amended without the consent of the Director; provided, however, that no such consent shall be required for an Issuing Authority to submit a new application in order to replace a previously submitted application if such new application is submitted before an allocation is made on the basis of the original application; provided further, that the consent of the Director shall not be required for an Issuing Authority to withdraw a previously submitted application. For purposes of receiving an allocation of the Volume Cap, any application that has been amended shall be treated as though such application was submitted on the date that the amendment was made, rather than on the date of the original submission of such application.

Section 7. (1) After the effective date of this Executive Order, any Issuing Authority issuing Bonds or Certificates without a certificate of allocation of the Director issued pursuant to Section 4 or Section 5, as appropriate, evidencing the granting of an allocation for such Bonds or Certificates, or any issuing Authority issuing Bonds or Certificates after the expiration of an allocation under Section 4 or Section 5, as appropriate, is not entitled to any allocation of the Volume Cap for such Bonds or Certificates, and any Issuing Authority issuing Bonds or Certificates in excess of the allocation set forth in the certificate of allocation is not entitled to any allocation of the Volume Cap for such excess.

(2) Each Issuing Authority shall (a) advise the Director on or before the earlier of the sixtieth day after the issuance of any Bonds or Certificates or December 30 of each Year, of the principal amount of Bonds or Certificates issued under the allocation set forth in each certificate of allocation issued by the Director evidencing the granting of an allocation for such Bonds or Certificates by delivering to the Director a copy of the Form 8038 which was delivered to the Internal Revenue Service in connection with such Bonds or Certificates, or, if no such form was required to be delivered to the Internal Revenue Service, a completed copy of a Form 8038 prepared for the Director with respect to such Bonds or Certificates, or (b) if all or a stated portion of such Bonds or Certificates will not be issued, shall advise the Director in writing, on or before the earlier of (i) the fifteenth day after the earlier of (A) the final decision not to issue all or a stated portion of such Bonds or Certificates or (B) the expiration of the allocation, (ii) December 30 of the Year in which the allocation for such Bonds or Certificates was made.

(3) Each Issuing Authority shall cooperate with the Director in furnishing any information the Director reasonably requires. If an Issuing Authority obtains an allocation of a portion of the Volume Cap for a particular Project or Program from the Director as provided in Section 4 or Section 5, as appropriate, but does not issue its Bonds or Certificates within the prescribed time limit, or issues a lesser amount of Bonds or Certificates within the prescribed time limit, such Issuing Authority may again submit an application with respect to the proposed Bonds or Certificates or portion of such Bonds or Certificates not issued for such Project or Program as provided in Section 4 or Section 5, as appropriate. Such application shall be treated as a

new application.

Section 8. In addition to the duties otherwise specifically set forth in this Executive Order, the Director shall:

(1) determine the amount of Allotment Dollars available on December 31 of each Year for allocation for Qualifying Carryforward Projects or Programs and allocate the Allotment Dollars available for Qualifying Carryforward Projects or Programs as provided in this Executive Order;

(2) maintain a record of all applications filed by Issuing Authorities under Section 3 and Section 5 and all certificates of allocation issued under Section 4 and Section 5;

(3) maintain a record of all Bonds or Certificates issued by Issuing Authorities during each Year;

(4) maintain a record of all information filed by Issuing Authorities under this Executive Order;

(5) make available upon reasonable request a certified copy of all or any part of the records maintained by the Department under this Executive Order or a summary thereof including information regarding the Volume Cap for each Year and any amounts available, or at any time remaining available, for allocation under this Executive Order;

(6) the Director shall serve as the State official designated under State law to make any certifications required to be made under the Code including, without limitation, the certification required by Section 149(e)(2)(F) of the Code; and

(7) promulgate reasonable rules not inconsistent with this Executive Order deemed necessary or expedient to allocate the Volume Cap hereunder.

Section 9. If any provision of this Executive Order shall be held to be, or shall, in fact, be invalid, inoperative or unconstitutional, the defect of the provision shall not affect any other provision of this Executive Order or render it invalid, inoperative, or unenforceable. To the extent this Executive Order shall be held or shall, in fact, be invalid, inoperative, or unconstitutional, all allocations of the Volume Cap previously made under this Executive Order shall be treated as allocations made by the Governor of the State.

Section 10. This Executive Order repeals and replaces Executive Order No. 86-1 and Executive Order No. 86-16, provided that such repeal and replacement shall not affect any allocations in the State made prior to the effective date hereof pursuant to any other Executive Orders or laws of the State.

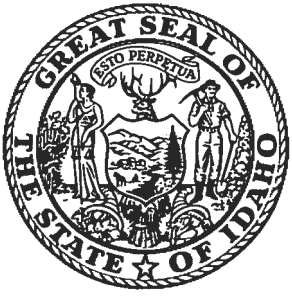
Section 11. The State pledges and agrees with the owners of any Bonds or Certificates to which an allocation of the Volume Cap has been granted under this Executive Order that the State will not retroactively alter the allocation of the Volume Cap to such Bonds or Certificates.

Section 12. No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt or liability of the State or be deemed to constitute an approval of any obligation issued or to be issued hereunder.

Section 13. The purpose of this Executive Order is to maximize the

benefits of financing and development through the use of Bonds and Certificates by providing a formula for allocating the Volume Cap within the meaning of Section 146(e) of the Code.

Section 14. This Executive Order shall be effective immediately and shall be applied retroactively to all allocations made after August 15, 1986, with respect to any proposed issuance of Bonds or Certificates. This Executive Order shall continue in effect until such time as it may be repealed or superseded by operation of State or federal law. Notwithstanding the foregoing, allocations for Qualifying Carryforward Projects or Programs pursuant to Section 5 hereof shall remain effective for the term of such allocation provided for in Section 146(f) of the Code.



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 November, 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. 86-26

CONTINUATION OF THE IDAHO DEPARTMENT OF EMPLOYMENT AS THE ORGANIZATIONAL UNIT TO BE RESPONSIBLE FOR THE STATE OF IDAHO'S LABOR MARKET INFORMATION PROGRAMS, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-20

WHEREAS, the "Job Training Partnership Act of 1982" requires the Governor, in order to be eligible for federal financial assistance for state labor market information programs under this Act, to designate an organizational unit to be responsible for oversight and management of a statewide comprehensive labor market and occupational supply and demand information system; and

WHEREAS, the state must design a comprehensive cost-efficient labor market and occupational supply and demand information system which

1. Is responsive to the economic demand and education and training supply support needs of the state and areas within the state; and
2. Meets the federal standards under Chapter 35 of Title 44, United Sates Code, and other appropriate federal standards

established by the Bureau of Labor Statistics; and

WHEREAS, the state's system must standardize available federal and state multi-agency administrative records and direct survey data sources to produce an employment and economic analysis with a published set of projections for the state and designated areas within the state which shall be used to contribute in carrying out the provisions of the "Job Training Partnership Act of 1982," the "Vocational Education Act of 1963," and the "Act of June 6, 1933," known as the "Wagner-Peyser Act"; and

WHEREAS, the Governor must assure to the extent feasible that

1. Automated technology will be used by the state,
2. Administrative records have been designed to reduce paperwork, and
3. Multiple survey burdens on the employers of the state have been reduced, and

WHEREAS, the Idaho Department of Employment operates a highly automated labor market information system supported by seven area labor market analysts located in each of the largest cities in Idaho; and

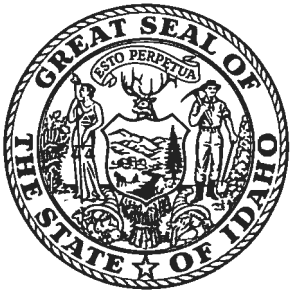
WHEREAS, since the Idaho Department of Employment in operating the state's Unemployment Insurance Program must collect from the employers of the state core information basic to any comprehensive statewide labor market and occupational supply and demand information system;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby assign the Idaho Department of Employment the role of organizational unit to be responsible for oversight and management of Idaho's statewide comprehensive labor market and occupational supply and demand information system; and

I FURTHER DIRECT that the Idaho Department of Employment continue to rely upon the Idaho State Occupational Information Coordinating Committee as the disseminating and coordinating mechanism for occupational supply/demand and career information system. Such a system will use existing sources of information where possible, including data from and generated by the Idaho department of Employment through its Labor Market Information and Occupational Employment Statistics programs.

AND I FURTHER DIRECT the following in an effort to reduce paperwork and multiple survey burdens of the employers of Idaho:

1. The Idaho Personnel Commission will utilize the Department of Employment's annual wage and salary survey to meet its obligation to recommend payline adjustment to the Governor and Legislature. All attributable costs to the Idaho Department of Employment for the Personnel Commission's portion of the annual wage and salary survey will be billed by the Department of Employment to the Personnel Commission.
2. The Regulatory Reform Task Force will act as a screening mechanism for all proposed surveys of the state's private employers by the Executive Branch who request information beyond that required by law for each agency to perform its statutory duties.
3. Executive Order No. 84-20 is hereby repealed and replaced.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twelfth day of December, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-27

CONTINUATION OF UNIFORM STATE PLANNING REGIONS, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-21

WHEREAS, Executive Order No. 72-3 created six official and uniform state planning regions to be utilized by all state departments and agencies and this has continued through such orders since 1972; and

WHEREAS, state departments and agencies continue to rely on divergent regional patterns for planning, administrative, technical assistance and data-gathering activities; and

WHEREAS, the need to coordinate the activities of state departments and agencies on a regional basis continues to exist; and

WHEREAS, the establishment of the aforementioned official and uniform state planning regions continues to result in a reduction of confusion among local public officials and in the more efficient delivery of services to the citizens of the State of Idaho by local governmental units; and

WHEREAS, the increase in the activities and involvement of the departments and agencies of the United States has intensified the need for the unimpeded cooperation among federal, state and local programs; and

WHEREAS, Public Law 90-577, the Intergovernmental Cooperation Act of 1968 and Part IV of U.S. Office of Management and Budget Circular No. A-95, Revised, encourages the states "to exercise leadership in delineating and establishing a system of planning and development districts or regions in each state, which can provide a consistent geographic base for the coordination of federal, state and local development programs";

NOW, THEREFORE, I, JOHN V. EVANS, by virtue of the powers vested in me as Governor of the State of Idaho, do issue this Executive Order continuing the official and uniform state planning regions to be utilized by all state departments and agencies. Six major regions shall continue to be as follows:

Region I:	Boundary, Bonner, Kootenai, Benewah and Shoshone 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)

It is hereby ordered and directed that all state agencies continue to conduct planning activities, collect data, compile reports, and report program progress on the basis of the State Planning Regions.

It is further ordered and directed that all agencies within the Executive Branch of Government continue to take the above Regional Districts into consideration in the future establishment and revision of all applicable state plans and programs.

It is further ordered and directed that state agencies may continue with the written authorization of the Governor, to group or combine whole State Planning Regions into agency-designated larger geographic areas, but shall continue to utilize the six regions with the nomenclature and numerical designations established by this order for purposes of data gathering and reporting.

However, where warranted, special exceptions may be granted by the Governor to those state agencies showing just cause for exemption. Agencies seeking exemption must submit:

(a) A map depicting those regions which can be utilized and those where a modification from existing boundaries is deemed necessary;

(b) A written statement or justification citing statutes, federal regulations or guidelines, personnel difficulties, unreasonable workload assignments, existing investments in field facilities, or other major factors indicating sufficient cause for delay or total exemption from adoption of the State Multi-County Regions specified herein; and

(c) A timetable for eventual agency compliance with this order when appropriate.

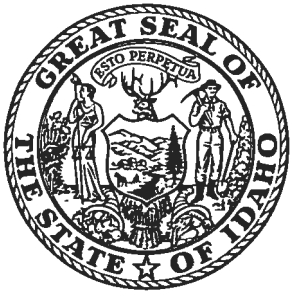
All state agencies utilizing administrative districts are encouraged to continue to bring their administrative district boundaries into conformity with the boundaries of the six state planning regions.

The Department of Water Resources shall be exempted from this Order as their administrative regions are based on hydrologic drainage basins since major programs involve streams and their tributaries and it would be inefficient and confusing to the public to administer the water of the same stream from different regional offices. Also planning basins are based on hydrologic boundaries and must be related to water management considerations.

FURTHERMORE, local governmental units are encouraged to continue joint participation in regional councils of governments within this system of districts to enhance intergovernmental cooperation for the purposes of comprehensive planning and development and the administration of state and federally supported programs within the State of Idaho as authorized by the provisions of law.

This order contemplates that, if subsequent circumstances and developments warrant changes in the six regional boundaries due to the continuing process of local regional organization, appropriate revision of this order will be undertaken.

This Executive Order repeals and replaces Executive Order No. 84-21.



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 nineteenth day of December, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-28

CONTINUATION OF THE POLICY OF THE STATE ON LIFE-CYCLE COSTING PRACTICES AND DIRECTING THE ADMINISTRATOR OF THE DIVISION OF PURCHASING TO ASSIST STATE AGENCIES IN DEVELOPING PLANS TO UTILIZE LIFE-CYCLE COSTING PRACTICES, REPEALING AND REPLACING EXECUTIVE ORDER NO. 84-22

WHEREAS, energy, its production, distribution, and utilization is a primary concern of all Idaho citizens; and

WHEREAS, the use of energy is an integral part of people's lives--in agriculture, in business and industry, at home and in state and local government; and

WHEREAS, to be effective, energy planning should be incorporated into decision-making; and, with regard to procurement practices and construction of new buildings by the state, life-cycle costing is one technique already in use in several states of the Union; and

WHEREAS, life-cycle costing is a technique whereby the long-term maintenance and operating costs of a building or product are considered in addition to its original purchase price or construction cost. These additional costs are often as important as the original cost and affect the true economy of buildings and products. Life-cycle costing

techniques supplement the present minimum bid standards for controlling state contracting, purchasing and building practices. When applied logically, this method of cost evaluation has been proven effective in establishing the greatest gain between quality and thrift; and

WHEREAS, Idahoans are rightly concerned about the cost of government today. By encouraging wise management of energy and fiscal resources in government, through life-cycle costing, every Idaho citizen's tax dollar will be expended in a manner to guarantee maximum efficiency;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby declare that it will continue to be the policy of the state to continue to promote the conservation of energy and the life-cycle cost or greatest value of commodities, and to effect coordination in the purchase of commodities by the State of Idaho.

To that end, all state agencies, prior to construction or renovation of any major facility, are directed to include in the design phase a provision for life-cycle costing. To accomplish the desired energy savings, agencies must calculate and define the additional costs of the life-cycle cost factors in their budget request of buildings. The Permanent Building Fund Advisory Council shall determine that all designs for buildings have been given a thorough analysis of life-cycle costing and energy-conscious design.

All state agencies are further directed to develop plans and specifications for energy efficiency in the acquisition of commodities purchased and/or acquired by the state, including life-cycle costing for the purchase of all major energy-consuming products.

I further direct the Administrator of the Division of Purchasing to assist all state agencies in developing plans and specifications to utilize energy efficiency and life-cycle costing in their acquisition and bidding practices. The Administrator of the Division of Purchasing may, in his discretion, waive the requirements of life-cycle costing if he determines such exemption would be in the best interest of the State of Idaho.

This Executive Order repeals and replaces Executive Order No. 84-22.

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 December, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-29

CONTINUATION OF THE ASSIGMENT TO THE DEPARTMENT OF EMPLOYMENT THE GENERAL RESPONSIBILITY FOR IMPLEMENTATION AND ADMINISTRATION OF THE JOB TRAINING PARTNERSHIP ACT OF 1982, REPEALING AND REPLACING EXECUTIVE ORDER NO. 85-1

WHEREAS, the Congress passed the Job Training Partnership Act of 1982 for the purpose of establishing programs to prepare youth and unskilled adults for entry into the labor force and to afford job training to those economically disadvantaged individuals and other individuals facing serious barriers to employment who are in special need of such training in order to obtain productive employment; and

WHEREAS, that Act charges the Governor with substantial responsibilities for implementing its provisions;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, do hereby order the following:

1. Except for specific responsibilities that may later be assigned to other state agencies, the Department of Employment shall have general responsibility for statewide administration of the employment and training system under the Job Training Partnership Act of 1982.
2. There is hereby continued the Idaho State Job Training Coordinating Council (The "Council") for the purpose of complying with Section 122 of the Act.
3. And, further, as prescribed by the Act, the members of the Council shall be appointed by the Governor.
   a. One-third of the membership of the Council shall be representatives of business and industry, including representatives of business and industry from private industry councils in the state and from agriculture.
   b. Not less than 20 percent of the membership of the Council shall be representatives of the State Legislature and of public agencies and organizations that the Governor determines to have a direct interest in employment and training and human resource utilization within the state.
   c. Not less than 20 percent of the membership of the Council shall be representatives of units or consortia of units of general local government which are administrative entities or grantees under the Act.
   d. Not less than 20 percent of the membership of the Council shall be representatives of the eligible population and of the general public and representatives of organized labor, community-based organizations and local educational agencies.
   e. The Council membership shall reasonably represent the population of the state.
4. The Director of the Department of Employment shall have the responsibility to provide professional, technical, administrative, and other staff to support the activities of the Council.

This Exeutive Order repeals and replaces Executive Order no. 85-1.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-ninth day of December, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 86-30

DESIGNATION OF A STATE HOUSING TAX CREDIT AGENCY

WHEREAS, the United States Congress has enacted the Tax Reform Act of 1986, amending the Internal Revenue Code of 1954, as amended prior to the enactment of the Tax Reform Act of 1986 (the "1954" Code) and has renamed such code the Internal Revenue Code of 1986 (the "Code"); and

WHEREAS, Title II, Subtitle F, Section 252 of the Code amends the 1954 Code by adding Section 42 of the Code and authorizing a Low-Income Housing Credit; and

WHEREAS, Section 42(h) of the Code stipulates that the Housing Credit is subject to certain restrictions regarding the aggregate credit allowable with respect to projects located in a state; and

WHEREAS, the Idaho Housing Agency was created by the adoption of Title 67, Chapter 62 of the Idaho Code to increase the supply of housing for persons and families of low income and to encourage cooperation and coordination among private enterprise and state and local government to sponsor, build, and rehabilitate residential housing for such persons and families; and

WHEREAS, in order to establish an equitable process for the allocation of the allowable Low-Income Housing Credit for the State of Idaho, it is necessary and desirable to issue this Executive Order to provide authorization under Section 42(h)(7)(A) for a State Housing Credit agency as defined in the Code;

NOW, THEREFORE, I, JOHN V. EVANS, Governor of the State of Idaho, by the power vested in me do hereby order as follows:

Section 1. As used in this Executive Order:

(a) "Annual Report" means the report required from any agency which allocates any housing credit amount to any building for any calendar year, as specified in Section 42(1)(2) of the Code.

(b) "Code" means the Internal Revenue Code of 1954, as amended by the Tax Reform Act of 1986 and renamed the Internal Revenue Code of 1986, and any related regulations.

(c) "Executive Director" means the Executive Director of the Idaho Housing Agency or such other official or officials of the Idaho Housing Agency as the Executive Director shall designate to carry out the duties set forth in this Executive Order.

(d) "Housing Credit Ceiling" means the dollar amount of State Housing Credit Ceiling applicable to any state for any calendar year and in an amount equal to $1.25 multiplied by the state population, as determined in accordance with Section 146(j) of the Code.

(e) "Idaho Housing Agency" means the Idaho Housing Agency, an independent public body, corporate and politic, created by the Idaho Legislature under the provisions of Chapter 62, Title 67 of the Idaho Code, as amended.

(f) "Low-Income Housing Credit" means the Federal tax credit authorized under Section 42 of the Code.

(g) "Qualified Low-Income Housing Project" means any project for residential rental property which meets the requirements of Section 42(g) of the Code; in general Section 42(g) of the Code pertains to the requirement that 20 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 50 percent or less of area median gross income, or that 40 percent of the units in the project be both rent-restricted and occupied by individuals whose income is 60 percent or less of area median gross income.

(h) "State" means the State of Idaho.

(i) "State Housing Credit Agency" means the agency authorized to carry out the provisions of Section 42(h) and Section 42(1) of the Code and in particular the Idaho Housing Agency.

(j) "Year" means the period January 1 through December 31, inclusive, for each calendar year beginning January 1, 1987.

Section 2. The Code has created a Low-Income Housing Credit which can be granted by a State Housing Credit Agency for a Qualified Low-Income Housing Project.

The Code has further created a Housing Credit Ceiling which the State may use in any Year until January 1, 1990, to assist Qualified Low-Income Housing Projects.

Section 3. The State has delegated certain responsibilities and granted certain powers to the Idaho Housing Agency in order that the supply of housing for persons and families of low income be increased and that coordination and cooperation among private enterprise, state and local government be encouraged to sponsor, build and rehabilitate residential housing for such persons and families.

Section 4. The State requires the development of a distribution system for the allocation of the Low-Income Housing Credit in order to

ensure fair and equal opportunity by interested parties in gaining an allocation of the Housing Credit Ceiling.

Section 5. The State requires the implementation of a distribution system of the Low-Income Housing Credit in order to ensure the proper use of such credits for Qualified Low-Income Housing Projects.

Section 6. The State requires the submission of an Annual Report to the Secretary of the Treasury and to the Governor of the State of Idaho with respect to the use of the Low-Income Housing Credit for any Year.

Section 7. In consideration of the requirements of the State, the Governor appoints the Idaho Housing Agency to act as the State Housing Credit Agency for the State in the distribution of the Housing Credit Ceiling for any Year.

The Idaho Housing Agency is required to:

(a) Establish a process and promulgate eligibility criteria for the fair distribution of the Housing Credit Ceiling for the State; and

(b) Distribute the Housing Credit Ceiling for Qualified Low-Income Housing Projects in such a manner as to maximize the benefits to Idahoans of low income.

(c) Submit an Annual Report to the Secretary of the Treasury and the Governor of the State of Idaho (at such time and in such manner as the Secretary shall prescribe) specifying:

(1) the amount of housing credit allocated to each building for such Year,

(2) sufficient information to identify each such building and the taxpayer with respect thereto, and

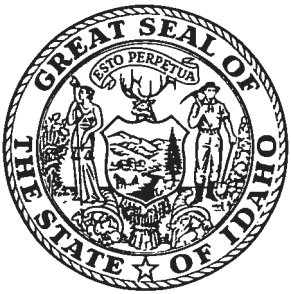
(3) such other information as the Secretary or the Governor of the State of Idaho may require.

Section 8. The State pledges and agrees with the owners of any Qualified Low-Income housing project for which an allocation of the Housing Credit Ceiling has been granted under this Executive Order that the State will not retroactively alter the allocation of the Housing Credit Ceiling to such Project.

Section 9. No action taken pursuant to this Executive Order shall be deemed to create an obligation, debt, or liability of the State.

Section 10. The purpose of this Executive Order is to maximize the opportunity for developing low-income housing units through the use of the Low-Income Housing Credit by providing a responsible State Housing Credit Agency within the meaning of Section 42 of the Code.

Section 11. This Executive Order shall be effective immediately and shall be applied to all allocations made after January 1, 1986, with respect to any Qualified Low-Income Housing Project. This Executive Order shall continue in effect until such time as it may be repealed or superseded by operation of the State or Federal law.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-ninth day of December, in the year of our Lord nineteen hundred eighty-six, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ John V. Evans
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 87-1

CONTINUATION OF THE GOVERNOR'S IDAHO STATE WRITER-IN-RESIDENCE PANEL,

REPEALING AND REPLACING EXECUTIVE ORDER NO. 85-4

WHEREAS, it is an honored tradition of people's governments to recognize, encourage and foster their own artists, poets, and writers; and

WHEREAS, it is both culturally and educationally advantageous for the state to encourage programs which bring native literature and discussions of that literature to the Idaho public; and

WHEREAS, the growth and retention of the native literature is to be desired in the State of Idaho; and

WHEREAS, an Idaho State Writer-in-Residence can enhance the image and being of the state by representing the state as a native artist; and

WHEREAS, the Sun Valley Center for the Arts and Humanities has a record for advancing the arts and humanities in an objective and professional way complimentary to the State of Idaho;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby continue the Governor's Idaho State Writer-in-Residence Panel, composed of three writers from outside the State of Idaho but within the Western States and six representatives from Idaho's public who are conversant with Idaho arts. The previous writer-in-residence shall serve as an ex-officio member of the panel.

The panel is established to recommend an Idaho writer to serve a two-year term beginning January 1, 1986, through January 1, 1988.

The Sun Valley Center for the Arts and Humanities is appointed to oversee and facilitate both the administration of the program and the panel selection process.

The responsibilities of the Sun Valley Center will be:

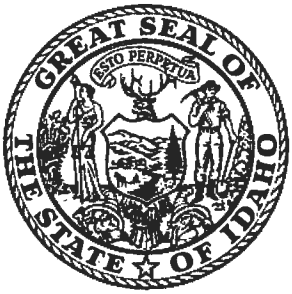
1. To explore and secure both private and public funding for the

Panel and the Writer-in-Residence Program;

2. To convene the meetings of the Panel;
3. To oversee the Panel during its operation and to provide, where necessary and possible, support--both technical and administrative--to the Program and Panel; and
4. To arrange readings for the Writer-in-Residence for the two-year period in Idaho's communities.

The responsibilities of the Idaho State Writer-in-Residence Panel will continue to be:

1. To solicit nominations and applications for Idaho's next Writer-in-Residence,
2. To examine the nominations and applications using the following criteria:
   a. The writer selected must be a full-time resident of Idaho who has produced a significant amount of quality writing and must be prepared to competently meet the public and engage that public, through readings and public discussions, in the excitement of the realization of literature.
   b. The person selected should also be someone whose work indicates an understanding and awareness of the people and the environment of Idaho; and
   c. To review the current Writer-in-Residence Program and make recommendations toward improvement of the Program.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-third day of January, in the year of our Lord nineteen hundred eighty-seven, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 87-2

CONTINUATION OF THE GOVERNOR'S IDAHO STATE WRITER-IN-RESIDENCE PANEL, REPEALING AND REPLACING EXECUTIVE ORDER NO. 87-1

WHEREAS, it is an honored tradition of people's governments to recognize, encourage and foster their own artists, poets, and writers; and

WHEREAS, it is both culturally and educationally advantageous for the state to encourage programs which bring native literature and discussions of that literature to the Idaho public; and

WHEREAS, the growth and retention of the native literature is to be desired in the State of Idaho; and

WHEREAS, an Idaho State Writer-in-Residence can enhance the image and being of the state by representing the state as a native artist; and

WHEREAS, the Idaho Commission on the Arts has a record for advancing the arts and humanities in an objective and professional way complimentary to the State of Idaho;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby continue the Governor's Idaho State Writer-in-Residence Panel, composed of three writers from outside the State of Idaho but within the Western States and six representatives from Idaho's public who are conversant with Idaho arts. The previous writer-in-residence shall serve as an ex-officio member of the panel.

The panel is established to recommend an Idaho writer to serve a two-year term beginning January 1, 1986, through January 1, 1988.

The Idaho Commission on the Arts is appointed to oversee and facilitate both the administration of the program and the panel selection process.

The responsibilities of the Idaho Commission on the Arts will be:

1. To explore and secure both private and public funding for the Panel and the Writer-in-Residence Program;
2. To convene the meetings of the Panel;
3. To oversee the Panel during its operation and to provide, where necessary and possible, support--both technical and administrative--to the Program and Panel; and
4. To arrange readings for the Writer-in-Residence for the two-year period in Idaho's communities.

The responsibilities of the Idaho State Writer-in-Residence Panel will continue to be:

1. To solicit nominations and applications for Idaho's next Writer-in-Residence,
2. To examine the nominations and applications using the following criteria:
   a. The writer selected must be a full-time resident of Idaho who has produced a significant amount of quality writing and must be prepared to competently meet the public and engage that public, through readings and public discussions, in the excitement of the realization of literature.
   b. The person selected should also be someone whose work indicates an understanding and awareness of the people and the environment of Idaho; and
   c. To review the current Writer-in-Residence Program and make recommendations toward improvement of the Program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-sixth day of February, in the year of our Lord nineteen hundred eighty-seven, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 87-3

ESTABLISHING THE IDAHO CRIMINAL JUSTICE COUNCIL AND THE DRUG POLICY BOARD FOR THE STATE AND LOCAL ASSISTANCE FOR NARCOTICS CONTROL PROGRAM

WHEREAS, combating crime and protecting citizens from criminal depredation is of vital concern to government; and

WHEREAS, it is in the best interests of the citizens of the State of Idaho that government promote efficiency and effectiveness of the criminal justice system; and

WHEREAS, communication and cooperation among the various facets of the community of criminal justice professionals is of utmost importance in promoting efficiency and effectiveness; and

WHEREAS, under provisions of the State and Local Assistance for Narcotics Control Program, established under the Anti-Drug Abuse Act of 1986, each state is strongly encouraged to establish a Drug Policy Board to serve as a forum for communication and a structure for coordination, with responsibility for development of a statewide policy for disbursement of grant funds, and shall represent state and local officials, components of the criminal justice system, education, and treatment;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby establish and create the Idaho Criminal Justice Council and charge this council with the responsibility to facilitate communication among criminal justice professionals, to improve professionalism, and to improve cooperation and coordination at all levels of the criminal justice system, with the overall mission of reducing crime in Idaho. The Idaho Criminal Justice Council shall function as the Drug Policy Board, in conjunction with an advisory board representing state and local officials, components of the criminal justice system, education, and treatment. The advisory board shall formulate a statewide policy for disbursement of grant funds for the Council's approval and shall make recommendations to the Council on all grant applications. Voting authority shall be vested in the

Council.

The Council shall consist of thirteen (13) members comprised of the following representatives (or their designees):

The Attorney General of the State of Idaho
The Director of the Idaho Department of Corrections
The Director of the Idaho Department of Law Enforcement
Two Chiefs of Police
Two Sheriffs
Two Prosecuting Attorneys
One representative of the Juvenile Justice System
One representative of Private Security Organizations
Two Citizens-at-large

and shall exist as a non-profit corporation under the laws of the State of Idaho.

The Drug Policy Advisory Board shall consist of the following representatives:

Four members of the Criminal Justice Council who shall constitute the Grants Committee of said Council
One state narcotics officer
One county narcotics officer
One city narcotics officer
The state narcotics/drug education officer
The Health and Physical Education Consultant for the State Department of Education
The Executive Director of the Parents and Youth Against Drug Abuse Program
The Prevention Education Specialist, Substance Abuse Section, Idaho Department of Health and Welfare

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho, at Boise, the Capital, the twenty-sixth day of March, in the year of our Lord nineteen hundred eighty-seven, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 87-4

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. 85-13

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

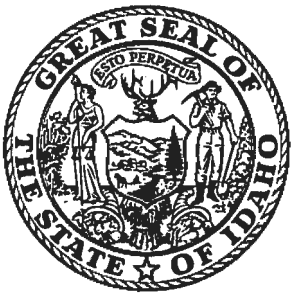
WHEREAS, Executive Order No. 85-13 assigns to the Department of Employment the general responsibility for administration of the Job Training Partnership Act of 1982; and

WHEREAS, that Act charges the Governor with substantial responsibility for implementing its provisions;

NOW, THEREFORE, I, CECIL D. ANDRUS, 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 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. 85-13.



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 tenth day of April, in the year of our Lord nineteen hundred eighty-seven, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 87-5

ESTABLISHING THE IDAHO EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW COMMISSION

WHEREAS, the Emergency Planning and Community Right-To-Know Act of 1986 ("the Act") mandates the establishment of a state emergency response commission; and

WHEREAS, the Act has two primary purposes: (1) emergency planning for fixed facilities at which certain substances are present and (2) community right-to-know;

NOW, THEREFORE, I, CECIL D. ANDRUS, pursuant to the authority vested in me as Governor, under the Constitution and laws of the State of Idaho, do hereby order as follows:

1. There is hereby created an Idaho Emergency Planning and Community Right-To-Know Commission within the Division of Environment, Department of Health and Welfare. The Commission shall consist of the following state officials or their designees: the Adjutant General of the Idaho National Guard; the Director, Department of Health and Welfare; the State Fire Marshal, Department of Insurance; the Director, Department of Law Enforcement; the Director, Department of Transportation; and such additional members as may be appointed by the Governor. All members shall serve without compensation, except that members who are not state officers or employees shall be reimbursed for their reasonable expenses for serving on the Commission.
2. The Governor shall appoint a staff director for the Commission, who may employ such additional staff as necessary to enable the Commission to carry out its duties under the Act and this order, within available resources.
3. The Commission shall have the powers and duties of a State Emergency Response Commission under the Act.
4. The Commission may accept contributions or grants in aid from public or private sources as required to carry out its duties hereunder.
5. All state agencies and institutions are hereby directed to cooperate with and assist the Commission as it carries out its duties under the Act and 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 fifteenth day of April, in the year of our Lord nineteen hundred eighty-seven, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:
/s/ Pete T. Cenarrusa
SECRETARY OF STATE

EXECUTIVE ORDER NO. 87-6

DECLARING THE POLICY OF THE "IDAHO IS TOO GREAT TO LITTER" BUMPER STICKER AND LITTER BAG AS IT PERTAINS TO USE ON STATE VEHICLES

WHEREAS, litter is a primary concern of all Idaho citizens; and

WHEREAS, the public needs to be more aware of this increasing problem; and

WHEREAS, the state now has provisions to provide for this visibility by way of an official "Idaho is too great to litter" bumper sticker and litter bag; and

WHEREAS, state employees need to set an example in educating others not to litter;

NOW, THEREFORE, I, CECIL D. ANDRUS, Governor of the State of Idaho, do hereby declare it is the policy of the state to be the forerunner in denouncing littering.

TO THAT END, all state agencies are directed to affix an official "Idaho is too great to litter" bumper sticker to the outside of each state vehicle, and to place an official "Idaho is too great to litter" litter bag in an appropriate place inside each state vehicle.

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 April, in the year of our Lord nineteen hundred eighty-seven, and of the Independence of the United States of America the two hundred eleventh, and of the Statehood of Idaho the ninety-seventh.

/s/ Cecil D. Andrus
GOVERNOR OF THE STATE OF IDAHO

BY THE GOVERNOR:

/s/ Pete T. Cenarrusa
SECRETARY OF STATE

INDEX

CONTENTS

Alphabetical index of laws according to subject matter 937

Code Index 979

Numerical index of laws by bill number 1003

INDEX

FIRST REGULAR SESSION - FORTY-NINTH 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.153 - 303
ACCOUNTS
Ag/Classroom, contributions, state income tax.....Ch.337 - 709
Alcoholism Treatment, approp.....Ch.260 - 545
Cancer Control, established.....Ch.339 - 715
Centennial Futurity, created.....Ch.282 - 592
Childrens Trust, contributions, state income tax.....Ch.337 - 709
County Medical Indigency Suspense, established.....Ch.170 - 334
Drug Enforcement, contributions, state income tax.....Ch.337 - 709
Emergency Medical Services, II, established.....Ch.133 - 264
F&G Trust, contributions, state income tax.....Ch.337 - 709
Fire Suppression, created.....Ch.192 - 390
Forest Management, created.....Ch.192 - 390
Forest Pest, created.....Ch.192 - 390
Forest Practices Rehabilitation, created.....Ch.281 - 591
Public Employees Retirement, approp, if shortfall.....Ch.360 - 794
Public Health Trust, approp.....Ch.246 - 507
U.S. Olympic, contributions, state income tax.....Ch.337 - 709
U.S. Olympic, reestablished.....Ch. 6 - 6
Wastewater Facility Loan, established.....Ch.174 - 342
Water Pollution Control, loans.....Ch.174 - 342
ACTS
Crime Victims Compensation, fines provided.....Ch.137 - 270
Terrorist Control, established.....Ch.318 - 669
AD VALOREM TAXATION
See TAX AND TAXATION, PROPERTY
ADJUTANT GENERAL
Federally recognized member of National Guard ..... Ch.330 - 689
ADMINISTRATION DEPARTMENT
Approp.....Ch.245 - 505
Approp, asbestos abatement.....Ch.343 - 730
Approp, asbestos abatement.....Ch.358 - 791
ADVERTISING
Honey, Comm, approp.....Ch.243 - 500
Timber sales, time.....Ch. 63 - 114
AGING, OFFICE ON
Approp.....Ch.333 - 706

AGRICULTURE Chapter - Page
Ag/Classroom Acct, contributions, state income tax.....Ch.337 - 709
Apples, assessment, increased.....Ch.300 - 638
Bean Comm, approp.....Ch.236 - 492
Brands, stock growers, recording/renewal, fee.....Ch. 61 - 109
Commercial feed, defined.....Ch.129 - 260
Cooperative Extension Service Program, approp.....Ch.269 - 562
Custom farming, sales tax exemptions, clarified.....Ch.326 - 682
Dept, approp.....Ch.243 - 500
Dept, approp, additional '87.....Ch. 53 - 90
Dept, approp, animal industry.....Ch.243 - 500
Dept, approp, inspections.....Ch.243 - 500
Dept, approp, maintenance projects.....Ch.343 - 730
Dept, approp, plant industry.....Ch.243 - 500
Dept, bee inspection provided.....Ch. 96 - 187
Dept, pesticide applicator licensing, clarified.....Ch.104 - 214
Dept, pesticide applicator licensing, requirements.....Ch.299 - 635
Dept, pests/diseases, notice to destroy, procedure.....Ch.187 - 369
Dept, tests, imported game animals.....Ch.211 - 444
Egg assessment increased.....Ch. 21 - 27
Farm produce dealer, registration fee increased.....Ch. 17 - 21
Farm products, security interests, clarified.....Ch.284 - 596
Food products resembling milk products.....Ch. 7 - 8
Honey Advertising Comm, approp.....Ch.243 - 500
Loan interest, no tax deductions.....Ch.290 - 615
Mint Comm, assessments.....Ch.285 - 605
Pesticide applicators, licensing, clarified.....Ch.104 - 214
Pesticide applicators, licensing, requirements.....Ch.299 - 635
Potato Comm, approp.....Ch.236 - 492
Potato tax levy, increased.....Ch.128 - 259
Pure Seed Law, definition, clarification, expansion.....Ch.188 - 369
Research Program, approp.....Ch.269 - 562
Sheep Comm, approp.....Ch.243 - 500
Weeds, noxious, control programs.....Ch.331 - 690
Wheat Comm, approp.....Ch.236 - 492
AIR POLLUTION
See ENVIRONMENT
AIRPLANES
Sales tax exemptions, clarified.....Ch.326 - 682
ALASKA
Arctic plain, oil & gas exploration.....HJM9 - 859
ALCOHOL
See LIQUOR
ALCOHOLIC BEVERAGES
See LIQUOR
ALCOHOLISM
Treatment Acct, approp.....Ch.260 - 545
ANIMALS
See also LIVESTOCK, WILDLIFE
Bighorn sheep, F&G Comm, issue special tags.....Ch.322 - 677
Dog racing, allowed.....Ch.316 - 660
Idaho Horse Bd established.....Ch.214 - 457
Livestock sale, income tax deduction, capital gain.....Ch.324 - 680

ANIMALS (Continued) Chapter - Page
Meat Import Act, 1979, sheep included.....SJM102 - 848
Wolves, held in captivity, records/tattoos, required....Ch.323 - 678
APPEALS
Court of Appeals opinions, codified, Code Comm.....Ch.114 - 227
APPLES
See FRUIT
APPROPRIATIONS
Accountancy, Bd.....Ch.153 - 303
Administration, Dept.....Ch.245 - 505
Administration, Dept, asbestos abatement.....Ch.343 - 730
Administration, Dept, asbestos abatement.....Ch.358 - 791
Aging, Office on.....Ch.333 - 706
Agricultural Research Program.....Ch.269 - 562
Agriculture, Dept.....Ch.243 - 500
Agriculture, Dept, additional '87.....Ch. 53 - 90
Agriculture, Dept, maintenance projects.....Ch.343 - 730
Alcoholism Treatment Acct.....Ch.260 - 545
Apple Comm.....Ch.236 - 492
Arts & Humanities Comm.....Ch.199 - 419
Athletic Director.....Ch.153 - 303
Attorney General.....Ch.151 - 301
Attorney General, additional '87.....Ch. 43 - 72
Auditor, Legislative.....Ch.357 - 790
Auditor, State.....Ch.155 - 305
Bean Comm.....Ch.236 - 492
Blind, Comm.....Ch.333 - 706
Blind, Comm, maintenance projects.....Ch.343 - 730
Blind, Comm, maintenance projects.....Ch.358 - 791
Brand Inspection.....Ch.338 - 712
BSU.....Ch.332 - 705
BSU, campus master plan.....Ch.343 - 730
BSU, handicapped accessibility.....Ch.358 - 791
BSU, miscellaneous maintenance projects.....Ch.358 - 791
Centennial Comm.....Ch.152 - 303
Centralized Uniform Commercial Code.....Ch.199 - 419
Certified Shorthand Reporters Bd.....Ch.153 - 303
Cherry Comm.....Ch.236 - 492
Commerce, Dept.....Ch.310 - 652
Commerce, Dept, additional '87.....Ch. 28 - 37
Commerce, Dept, Super Collider Proposal.....Ch. 27 - 36
Commerce, Dept, Super Collider Proposal.....Ch.310 - 652
Commodity Comm.....Ch.236 - 492
Community colleges.....Ch.265 - 556
Cooperative Extension Service Program.....Ch.269 - 562
Corrections, Dept.....Ch.266 - 557
Corrections, Dept, additional '87.....Ch. 54 - 91
Corrections, Dept, maintenance projects.....Ch.343 - 730
Corrections, Dept, maintenance projects.....Ch.358 - 791
Dairy Products Comm.....Ch.236 - 492
Deaf & Blind School.....Ch.251 - 514
Deaf & Blind School, bond payment.....Ch.343 - 730
Deaf & Blind School, bond payment.....Ch.358 - 791

APPROPRIATIONS (Continued) Chapter - Page
Dentistry, Bd.....Ch.153 - 303
Eastern Idaho Vocational Technical School.....Ch.358 - 791
Education, Bd, Agricultural Research Program.....Ch.269 - 562
Education, Bd, community colleges.....Ch.265 - 556
Education, Bd, Cooperative Extension Service Program....Ch.269 - 562
Education, Bd, Deaf & Blind School.....Ch.251 - 514
Education, Bd, Deaf & Blind School, bond payment.....Ch.343 - 730
Education, Bd, Deaf & Blind School, bond payment.....Ch.358 - 791
Education, Bd, Eastern ID Vocational Tech School.....Ch.358 - 791
Education, Bd, Forest Utilization Research Program.....Ch.248 - 508
Education, Bd, Geological Survey Program.....Ch.247 - 507
Education, Bd, Historical Society.....Ch.359 - 792
Education, Bd, Library Bd, State.....Ch.307 - 647
Education, Bd, maintenance projects.....Ch.343 - 730
Education, Bd, maintenance projects.....Ch.358 - 791
Education, Bd, Office, administration.....Ch.270 - 563
Education, Bd, PSEP, WICHE, IDEP, medical/dental.....Ch.308 - 648
Education, Bd, public broadcasting.....Ch.267 - 559
Education, Bd, public schools.....Ch.355 - 787
Education, Bd, Vocational Education.....Ch.309 - 649
Education, Bd, Vocational Rehabilitation.....Ch.306 - 646
Education, Bd, Vocational Rehabilitation, supp'l.....Ch. 44 - 72
Education, Bd, WAMI Medical Education Program.....Ch.271 - 564
Education, Dept.....Ch.238 - 494
Education, higher.....Ch.332 - 705
Employment, Dept, building construction/maintenance.....Ch. 8 - 13
Endowment Fund Investment Bd.....Ch.239 - 496
Engineering Examiners Bd.....Ch.153 - 303
F&G, Dept.....Ch.217 - 465
F&G, Dept, migratory waterfowl habitat improvement.....Ch.286 - 607
F&G, Dept, upland game habitat improvement.....Ch.286 - 607
F&G, Dept, wildlife program.....Ch.286 - 607
Finance-Appropriations Comm.....Ch.357 - 790
Finance, Dept.....Ch.156 - 307
Financial Management, Division.....Ch.219 - 468
Forest Utilization Research Program.....Ch.248 - 508
General Services.....Ch.235 - 492
General Services.....Ch.245 - 505
Geological Survey Program.....Ch.247 - 507
Geologists Bd.....Ch.153 - 303
Governor, Office of, administration, residence.....Ch.218 - 467
Governor, Office of, Aging, Office on.....Ch.333 - 706
Governor, Office of, Blind Comm.....Ch.333 - 706
Governor, Office of, Blind Comm, maint projects.....Ch.343 - 730
Governor, Office of, Blind Comm, maint projects.....Ch.358 - 791
Governor, Office of, Centennial Comm.....Ch.152 - 303
Governor, Office of, Endowment Fund Investment Bd.....Ch.239 - 496
Governor, Office of, Financial Management Division.....Ch.219 - 468
Governor, Office of, General Services.....Ch.235 - 492
Governor, Office of, General Services.....Ch.245 - 505
Governor, Office of, Insurance Fund, State.....Ch.277 - 570
Governor, Office of, Insurance Fund, State, add'l 87....Ch. 23 - 32

APPROPRIATIONS (Continued) Chapter - Page
Governor, Office of, Liquor Dispensary.....Ch.235 - 492
Governor, Office of, Military Division.....Ch.234 - 490
Governor, Office of, Military Div, Homedale Armory.....Ch.343 - 730
Governor, Office of, Military Div, maint projects.....Ch.343 - 730
Governor, Office of, Military Div, maint projects.....Ch.358 - 791
Governor, Office of, Retirement System.....Ch.235 - 492
Health Dists.....Ch.246 - 507
Historical Society.....Ch.359 - 792
Honey Advertising Comm.....Ch.243 - 500
Horse Racing Comm.....Ch.338 - 712
Human Rights Comm.....Ch.333 - 706
H&W, Dept.....Ch.358 - 791
H&W, Dept, Adult & ADC Payments.....Ch.339 - 715
H&W, Dept, Air Quality Program.....Ch.339 - 715
H&W, Dept, Community Developmental Disability Srvcs..... - 715
H&W, Dept, Community Mental Health Services.....Ch.339 - 715
H&W, Dept, Community Rehabilitation Services.....Ch.339 - 715
H&W, Dept, Eligibility Services.....Ch.339 - 715
H&W, Dept, Emergency Medical Services.....Ch.339 - 715
H&W, Dept, Environmental Division.....Ch.339 - 715
H&W, Dept, Hazardous Materials Program.....Ch.339 - 715
H&W, Dept, Health Division.....Ch.339 - 715
H&W, Dept, Indirect Support Services.....Ch.339 - 715
H&W, Dept, Institutional Developmental Disability.....Ch.339 - 715
H&W, Dept, Institutional Mental Health Services.....Ch.339 - 715
H&W, Dept, Laboratory Services.....Ch.339 - 715
H&W, Dept, maintenance projects.....Ch.343 - 730
H&W, Dept, maintenance projects.....Ch.358 - 791
H&W, Dept, Medical Assistance Payments.....Ch.339 - 715
H&W, Dept, Medical Assistance Payments, add'l '87.....Ch. 5 - 5
H&W, Dept, Physical Health Services.....Ch.339 - 715
H&W, Dept, Social Services.....Ch.339 - 715
H&W, Dept, State Hospital North.....Ch.339 - 715
H&W, Dept, State Hospital South.....Ch.339 - 715
H&W, Dept, State Hospital South.....Ch.358 - 791
H&W, Dept, Substance Abuse Services.....Ch.339 - 715
H&W, Dept, Veteran's Home, domiciliary remodel.....Ch.343 - 730
H&W, Dept, Veterans Services Program.....Ch.339 - 715
H&W, Dept, Water Quality Program.....Ch.339 - 715
H&W, Dept, Welfare Division.....Ch.339 - 715
H&W, Dept, Youth Services Center.....Ch.339 - 715
Idaho, Utah, medical/dental programs.....Ch.308 - 648
Industrial Comm.....Ch.232 - 488
Insurance, Dept.....Ch.237 - 493
Insurance Fund, State.....Ch.277 - 570
Insurance Fund, State, additional '87.....Ch. 23 - 32
Insurance Management.....Ch.245 - 505
ISU.....Ch.332 - 705
ISU, College of Pharmacy, remodel.....Ch.343 - 730
ISU, handicapped accessibility.....Ch.358 - 791
ISU, Industrial-Vocational Arts renovation.....Ch.358 - 791
ISU, Liberal Arts Building renovation.....Ch.358 - 791

APPROPRIATIONS (Continued) Chapter - Page
Labor & Industrial Services.....Ch.241 - 498
Labor & Industrial Services, additional '87.....Ch. 41 - 70
Lands, Dept.....Ch.250 - 510
Lands, Dept, additional '87.....Ch. 77 - 148
Lands, Dept, additional '87.....Ch. 3 - 4
Lands, Dept, maintenance projects.....Ch.343 - 730
Lands, Dept, maintenance projects.....Ch.358 - 791
Lava Hot Springs Foundation.....Ch.244 - 502
Law Enforcement, Dept.....Ch.338 - 712
Law Enforcement, Dept, Alcohol Awareness Comm.....Ch.338 - 712
Law Enforcement, Dept, Alcohol Beverage Control.....Ch.338 - 712
Law Enforcement, Dept, Domestic Violence Council.....Ch.338 - 712
Law Enforcement, Dept, POST Academy.....Ch.338 - 712
LCSC.....Ch.332 - 705
LCSC, handicapped accessibility.....Ch.358 - 791
LCSC, library, planning & design.....Ch.343 - 730
Legislative Auditor.....Ch.357 - 790
Legislative Budget Office.....Ch.357 - 790
Legislative Council.....Ch.357 - 790
Library Bd, State.....Ch.307 - 647
Lieutenant Governor.....Ch.341 - 725
Liquor Dispensary.....Ch.235 - 492
Medical/dental education programs.....Ch.308 - 648
Medicine, Bd.....Ch.153 - 303
Military Division.....Ch.234 - 490
Military Division, Homedale Armory.....Ch.343 - 730
Military Division, maintenance projects.....Ch.343 - 730
Military Division, maintenance projects.....Ch.358 - 791
Nursing, Bd.....Ch.153 - 303
Occupational Licenses Bureau.....Ch.153 - 303
Optometry Bd.....Ch.153 - 303
Outfitters & Guides Bd.....Ch.153 - 303
Parks & Recreation, Dept.....Ch.244 - 502
Parks & Recreation, Dept, maintenance projects.....Ch.343 - 730
Parks & Recreation, Dept, maintenance projects.....Ch.358 - 791
Permanent Bldg Fund, capitol building repairs.....Ch. 16 - 20
Permanent Bldg Fund, maintenance projects.....Ch.343 - 730
Permanent Bldg Fund, maintenance projects.....Ch.358 - 791
Personnel Comm.....Ch.231 - 487
Pharmacy, Bd.....Ch.153 - 303
Pharmacy, Bd, additional '87.....Ch. 35 - 59
Potato Comm.....Ch.236 - 492
Public broadcasting.....Ch.267 - 559
Public Employees Retirement Acct, if shortfall.....Ch.360 - 794
Public Employees Retirement System.....Ch.235 - 492
Public Health Dists.....Ch.246 - 507
Public School Income Fund.....Ch.355 - 787
Public schools.....Ch.355 - 787
Public schools, retirement, FICA, unemployment.....Ch.355 - 787
Public Works.....Ch.245 - 505
Public Works, capitol building repairs.....Ch. 16 - 20
Public Works, contingency fund.....Ch.343 - 730

APPROPRIATIONS (Continued) Chapter - Page
Public Works Contractors License Bd.....Ch.153 - 303
Public Works Contractors License Bd, additional '87.....Ch. 35 - 59
Public Works, maintenance projects.....Ch.343 - 730
Public Works, maintenance projects.....Ch.358 - 791
PUC.....Ch.240 - 497
PUC, additional '87.....Ch. 42 - 71
Purchasing Division.....Ch.245 - 505
Real Estate Comm.....Ch.153 - 303
Renal Disease Program.....Ch.306 - 646
Renal Disease Program, supplemental.....Ch. 44 - 72
Safety and Labor Relations Bureau.....Ch.241 - 498
Safety Bureaus, approp.....Ch.241 - 498
Scholarships and grants.....Ch.270 - 563
Secretary of State.....Ch.199 - 419
Self-governing agencies.....Ch.153 - 303
Self-governing agencies, additional '87.....Ch. 35 - 59
Self-governing agencies, Commodity Comm.....Ch.236 - 492
Sheep Comm.....Ch.243 - 500
Superconducting Super Collider proposal.....Ch. 27 - 36
Superconducting Super Collider proposal.....Ch.310 - 652
Supreme Court.....Ch.242 - 499
Tax Appeals Bd.....Ch.268 - 560
Tax Comm, State.....Ch.268 - 560
Tax Comm, State.....Ch.342 - 725
Transportation, Dept.....Ch.233 - 489
Transportation, Dept, additional '87.....Ch. 45 - 73
Treasurer, State.....Ch.154 - 305
Treasurer, State, additional '87.....Ch. 47 - 75
Uniform State Laws Comm.....Ch.199 - 419
UofI.....Ch.332 - 705
UofI, Bd of Regents, Geological Survey Program.....Ch.247 - 507
UofI, Bd of Regents, higher education.....Ch.332 - 705
UofI, Bd of Regents, WOI Veterinary Medicine Prog.....Ch.272 - 565
UofI, handicapped accessibility.....Ch.358 - 791
UofI, library basement remodel.....Ch.358 - 791
Veterinary Medicine, Bd.....Ch.153 - 303
Vocational Education.....Ch.309 - 649
Vocational Rehabilitation.....Ch.306 - 646
Vocational Rehabilitation, supplemental.....Ch. 44 - 72
WAMI Medical Education Program.....Ch.271 - 564
Water Resources, Dept.....Ch.249 - 508
Wheat Comm.....Ch.236 - 492
ARCHERY
Hunts, gun use, penalty provided.....Ch.261 - 552
ARMED FORCES
Adjutant General, fed recognized member Natl Guard.....Ch.330 - 689
Member, voter registration, cancelled.....Ch. 20 - 27
Military Division, approp.....Ch.234 - 490
Military Division, approp, Homedale Armory.....Ch.343 - 730
Military Division, approp, maintenance projects.....Ch.343 - 730
Military Division, approp, maintenance projects.....Ch.358 - 791
National Guard activities, liability, immune.....Ch.106 - 218

ARMORIES Chapter - Page
Homedale, approp, Military Division.....Ch.343 - 730
ARREST
Peace officers, reasonable means to effect arrest.....Ch.117 - 231
ARSON
See FIRE
ARTS
Artists/art dealers, commercial transactions.....Ch.127 - 257
Comm, approp.....Ch.199 - 419
Migratory waterfowl, comm, created.....Ch.173 - 339
ATHLETICS
State, Director, approp.....Ch.153 - 303
ATTORNEY GENERAL
Approp.....Ch.151 - 301
Approp, additional '87.....Ch. 43 - 72
Meeting, Coeur d'Alene, President Reagan invited.....HJM6 - 856
Opinions, codified, Code Comm.....Ch.114 - 227
ATTORNEYS
Fees, civil actions, "party", defined.....Ch.204 - 430
Fees, civil actions, "party", defined.....Ch.263 - 555
AUCTIONS AND AUCTIONEERS
Public, cities may purchase equipment.....Ch.161 - 316
AUDITOR
Legislative, approp.....Ch.357 - 790
State, approp.....Ch.155 - 305
AUDITORIUMS
Dist, taxing power, abolished.....Ch. 70 - 129
AUDITS
Biennial, city budget increased.....Ch. 13 - 18
Biennial, highway dists, when.....Ch.131 - 262
Period, payment, ad valorem taxes, clarified.....Ch.138 - 271
BALLOTS
Absentee, application, filed, when.....Ch.167 - 327
Candidates, one office at a time.....Ch.313 - 656
BANKS AND BANKING
Failing, acquisitions, allowed.....Ch.294 - 625
Liquidation, notices of hearing not needed.....Ch. 76 - 147
Officer, bonding alternatives.....Ch.293 - 622
Real estate acquired for debts, allowed.....Ch.165 - 325
Uniform Fraudulent Transfer Act.....Ch.202 - 422
BEANS
See AGRICULTURE
BEER
See also LIQUOR
Age to drink and serve.....Ch.212 - 448
License, brewer's, fee schedule provided.....Ch. 91 - 172
License, brewer's pub, issuance.....Ch. 22 - 29
License, brewer's retail, issuance.....Ch. 22 - 29
License, city, appeals provided.....Ch. 12 - 16
License, fee schedule provided.....Ch. 91 - 172
License, retailers, fee schedule provided.....Ch. 91 - 172
License, wholesalers, fee schedule provided.....Ch. 91 - 172
Sales, hours extended, county option.....Ch.110 - 222

BEER (Continued) Chapter - Page
Sales, "premises", defined.....Ch.200 - 421
Sales, 6 a.m. hour established.....Ch.351 - 780
BEES
Inspection/regulations provided.....Ch. 96 - 187
BIDS
Corporate, place of domicile defined.....Ch.350 - 779
Highway dists, contracts, requirements.....Ch. 79 - 149
Highway dists, work/state highways, prohibited.....Ch.303 - 643
BILLS
Legislative, printing contract.....HCR3 - 830
BIRDS
Migratory waterfowl art comm created.....Ch.173 - 339
Migratory waterfowl habitat, approp, F&G, Dept.....Ch.286 - 607
Migratory waterfowl stamp, issuance.....Ch.173 - 339
BLIND
Comm, administrator, qualifications.....Ch. 74 - 145
Comm, approp.....Ch.333 - 706
Comm, approp, maintenance projects.....Ch.343 - 730
Comm, approp, maintenance projects.....Ch.358 - 791
Comm, duties.....Ch. 74 - 145
Deaf & Blind School, approp.....Ch.251 - 514
Deaf & Blind School, approp, bond payment.....Ch.343 - 730
Deaf & Blind School, approp, bond payment.....Ch.358 - 791
Person, defined.....Ch. 74 - 145
BLUE SKY LAW
See SECURITIES
BOARDS
See INDIVIDUAL NAMES
BOISE STATE UNIVERSITY
See COLLEGES AND UNIVERSITIES
BONDS
Bank officer, bonding alternatives.....Ch.293 - 622
Collection agencies, required, maximum limit.....Ch.296 - 632
Collection agencies, requirements.....Ch.301 - 639
License, vehicle dealers, qualifications.....Ch.109 - 221
Revenue, all auditorium dists, issue.....Ch. 70 - 129
Revenue, junior/community college, dist, issue.....Ch.264 - 556
School dist, sale, notice, publication period.....Ch. 51 - 84
Warehouseman's, letter of credit.....Ch.143 - 284
BRANDS
Stock grower, recording/renewal, fee.....Ch. 61 - 109
BREWERIES
License, fee schedule provided.....Ch. 91 - 172
License, retail, issuance.....Ch. 22 - 29
BROADCASTING
See PUBLIC BROADCASTING
BUDGETS
City, annual, approp, amended, when.....Ch.172 - 338
City, increased, biennial audit.....Ch. 13 - 18
Governor's, Address.....HCR2 - 829
BUILDINGS
Capitol, encroachments prohibited.....Ch.348 - 763

BUILDINGS (Continued) Chapter - Page
Capitol, repairs, approp.....Ch. 16 - 20
Construction/repair, approp, Dept of Employment.....Ch. 8 - 13
Industrial Admininstration, renovation.....SCR120 - 823
State, lease-purchase agreements.....Ch.314 - 657
State, various, maintenance projects.....Ch.343 - 730
State, various, maintenance projects.....Ch.358 - 791
BUSES
Chartered, smoking allowed.....Ch.183 - 362
Public, smoking prohibited.....Ch.183 - 362
BUSINESS
Corporate bidder, place of domicile defined.....Ch.350 - 779
Local, Improvement Dists, created.....Ch. 26 - 34
Trust, charter, state university, exemptions.....Ch.305 - 645
CAMPAIGNS
Contributions, reporting requirements.....Ch.344 - 731
CANCER
Boron Neutron Capture Therapy, INEL, support.....SJM101 - 847
Control Acct, established.....Ch.339 - 715
CANDIDATES
Campaign contributions, reporting requirements.....Ch.344 - 731
Independent, filing date changed.....Ch.262 - 553
State employees, political activity limited.....Ch.168 - 328
CAPITOL
Building, approp, repairs.....Ch. 16 - 20
CENTENNIAL
Comm, approp.....Ch.152 - 303
Commemorative stamp series.....HJM4 - 854
Futurity Acct, created.....Ch.282 - 592
Idaho, Comm Acct, spending authority.....Ch.146 - 290
License plates, issuance.....Ch.146 - 290
CHARITIES
Organizations, liability, exempt.....Ch.278 - 571
Sales tax exemptions, clarified.....Ch. 18 - 23
CHERRIES
See FRUIT
CHILD CARE
See DAY CARE
CHILDREN
Adult & ADC Assistance, approp.....Ch.339 - 715
Alcoholic beverages, age to drink and serve.....Ch.212 - 448
Custody interference, defined, penalty.....Ch. 88 - 167
Day care services, regulations.....Ch. 56 - 92
Juvenile justice system, legislative study comm.....HCR25 - 844
Nutrition Act, food purchases, sales tax, exempt.....Ch.335 - 707
Parent/child relationship, termination, when.....Ch.207 - 436
Restitution for property damages.....Ch.257 - 522
Sexual abuse, definition expanded.....Ch.178 - 354
Sexual exploitation, penalty, increased.....Ch.177 - 352
Support, service of process, established.....Ch. 36 - 59
Trust Acct, contributions, state income tax.....Ch.337 - 709
Youth Services Center, approp.....Ch.339 - 715

CHIROPRACTORS Chapter - Page
Practice, additional requirements.....Ch.144 - 286
CIGARETTES
Tax, increase, revenue distribution.....Ch.254 - 517
CIRCUIT BREAKER TAX RELIEF
See TAX AND TAXATION, PROPERTY
CITIES
Beer licenses, appeals provided.....Ch. 12 - 16
Boards/comms, duties enumerated by ordinance.....Ch. 24 - 33
Budget, annual, approp, amended, when.....Ch.172 - 338
Budget, increased, biennial audit.....Ch. 13 - 18
Clerk, liquor catering permit, approve.....Ch. 58 - 104
Consolidation, number of signatures required.....Ch.136 - 270
Elections, polls open 8AM by ordinance.....Ch. 2 - 3
Equipment, purchase at public auction.....Ch.161 - 316
Expenditures, not exceed approp, exceptions.....Ch.171 - 337
Funds, additions to deposit & investment.....Ch.162 - 318
Highway improvements, limited to funds available.....Ch.130 - 261
Levies, emergency, when.....Ch.171 - 337
Services, special dists, dissolution.....Ch. 87 - 165
Urban renewal agency, additional authority provided.....Ch.259 - 536
Urban renewal agency, commissioners, number.....Ch.276 - 568
Urban renewal, revenue allocation financing.....Ch.258 - 524
Water, excess/surplus, sell.....Ch.206 - 433
CIVIL ACTIONS
Attorneys fees, "party", defined.....Ch.204 - 430
Attorneys fees, "party", defined.....Ch.263 - 555
Child support, service of process, established.....Ch. 36 - 59
Malicious harassment, penalties.....Ch.275 - 568
CIVIL RIGHTS
Terrorist Control Act established.....Ch.318 - 669
CODE
See IDAHO CODE
CODE COMMISSION
Attorney General opinions, codified.....Ch.114 - 227
Court of Appeals opinions, codified.....Ch.114 - 227
COEUR D'ALENE, CITY OF
Attorneys General meeting, President Reagan invited.....HJM6 - 856
COLLECTION AGENCIES
Bonds, requirements.....Ch.301 - 639
Bonds, requirements, maximum limits.....Ch.296 - 632
Licensee, dual employment.....Ch.295 - 630
Procedures, staff, requirements expanded.....Ch.297 - 633
COLLEGE OF SOUTHERN IDAHO
See COLLEGES AND UNIVERSITIES
COLLEGES AND UNIVERSITIES
Agricultural Research Program, approp.....Ch.269 - 562
Approp.....Ch.332 - 705
Boise Junior, Dist continuance.....Ch. 39 - 67
BSU, approp.....Ch.332 - 705
BSU, approp, campus master plan.....Ch.343 - 730
BSU, approp, handicapped accessibility.....Ch.358 - 791
BSU, approp, miscellaneous maintenance projects.....Ch.358 - 791

COLLEGES AND UNIVERSITIES (Continued) Chapter - Page
Community, approp.....Ch.265 - 556
Community, new course approval, Bd of Education.....Ch. 48 - 76
Cooperative Extension Service Program, approp.....Ch.269 - 562
Eastern Idaho Vocational Technical School, approp.....Ch.358 - 791
Forest Utilization Research Program, approp.....Ch.248 - 508
ISU, approp.....Ch.332 - 705
ISU, approp, College of Pharmacy, remodel.....Ch.343 - 730
ISU, approp, handicapped accessibility.....Ch.358 - 791
ISU, approp, Industrial-Vocational Arts Renovation.....Ch.358 - 791
ISU, approp, Liberal Arts Bldg renovation.....Ch.358 - 791
Junior, defined, community college.....Ch. 94 - 186
Junior, state funds, disbursement date.....Ch.142 - 283
Junior/community, dist, issue revenue bonds.....Ch.264 - 556
LCSC, approp.....Ch.332 - 705
LCSC, approp, handicapped accessibility.....Ch.358 - 791
LCSC, approp, library, planning & design.....Ch.343 - 730
Medical/dental programs, approp.....Ch.308 - 648
Public broadcasting, approp.....Ch.267 - 559
Trust business charter, exemptions.....Ch.305 - 645
UofI, approp.....Ch.332 - 705
UofI, approp, Bd of Regents, higher education.....Ch.332 - 705
UofI, approp, handicapped accessibility.....Ch.358 - 791
UofI, approp, library basement remodel.....Ch.358 - 791
UofUtah, approp, PSEP, WICHE, medical program.....Ch.308 - 648
WAMI/WICHE/etc, resident requirement changed.....Ch. 50 - 81
COMMERCE
Dept, approp.....Ch.310 - 652
Dept, approp, additional '87.....Ch. 28 - 37
Dept, approp, Super Collider Proposal.....Ch. 27 - 36
Dept, approp, Super Collider Proposal.....Ch.310 - 652
COMMISSIONS
See INDIVIDUAL NAMES
COMMODITY COMMISSIONS
Apples, assessment, increased.....Ch.300 - 638
Approp.....Ch.236 - 492
COMMUNITY GUARDIAN
Bd, Probate, county commissioners, appoint.....Ch.320 - 673
COMPUTERS
Trade Secrets Act, program defined.....Ch. 67 - 121
CONSTITUTIONAL AMENDMENTS
Article III, Section 20, proposed.....HJR3 - 801
Congressional salaries, proposed ratification.....SJR105 - 801
U.S., 200th anniversary noted.....SCR123 - 827
CONSTRUCTION
Design-build, public works projects.....Ch.283 - 593
CONTRACTORS
Licensing/lien laws, legisltive study comm.....HCR26 - 845
CONTRACTS
Design-build, public works projects.....Ch.283 - 593
Highway dists, bids, requirements.....Ch. 79 - 149
Port dist purchases, competitive bids increased.....Ch. 83 - 157
Printing, legislative bills.....HCR3 - 830

CONTRACTS (Continued) Chapter - Page
Printing, session laws.....HCR16 - 840
Sales tax, increase to 5%, permanent.....Ch. 31 - 47
Teaching, revoked, drug sale conviction.....Ch.229 - 485
Transportation, schools, code citation correction.....Ch. 9 - 13
CONTROLLED SUBSTANCES ACT
Sale, conviction, teaching contract revoked.....Ch.229 - 485
Substances added.....Ch. 38 - 61
CORPORATIONS
Bidder, place of domicile defined.....Ch.350 - 779
Charitable, liability, exempt.....Ch.278 - 571
Litigation expenses, clarified.....Ch.221 - 471
Municipal, emergency levies, when.....Ch.171 - 337
Service, consolidation/death of shareholder.....Ch.191 - 389
Shareholders, partners, income tax clarification.....Ch.149 - 295
Tax, income, filing, clarification.....Ch.149 - 295
Tax, income, quarterly reporting, required.....Ch.342 - 725
Tax, income, schedule, rates/brackets.....Ch.342 - 725
CORRECTIONAL INSTITUTIONS
Approp.....Ch.266 - 557
Construction, authorized.....SCR109 - 819
Corrections, Dept, Phase One, approp.....Ch.358 - 791
Juvenile justice system, legislative study comm.....HCR25 - 844
CORRECTIONS
Dept, approp.....Ch.266 - 557
Dept, approp, additional '87.....Ch. 54 - 91
Dept, approp, maintenance projects.....Ch.343 - 730
Dept, approp, maintenance projects.....Ch.358 - 791
Dept, approp, penitentiary, Phase One.....Ch.358 - 791
Probation services/payment, sunset clause repealed.....Ch.266 - 557
COUNTIES
Beer sales, hours extended, option.....Ch.110 - 222
Circuit breaker tax payment, 2 installments.....Ch. 92 - 173
Clerk, liquor catering permit, approve.....Ch. 58 - 104
Community Guardian Bd for probate, county comm appt.....Ch.320 - 673
Fair bds, appointment, terms.....Ch.184 - 363
Highway dists, bid work/state highways, prohibited.....Ch.303 - 643
Highway improvements, limited to funds available.....Ch.130 - 261
Medical assist program, indigents, cnty/fed funds.....Ch.170 - 334
Officer services, no charge.....Ch. 14 - 18
Ordinances, where filed.....Ch. 15 - 19
Property, Unclaimed Law, administration.....Ch.115 - 228
Recorders fees, certain, increased.....Ch. 29 - 37
Registration, attribution.....Ch.134 - 266
Solid waste project, intensive, minimize amount.....Ch.213 - 454
Tax, sales, distribution, reduced.....Ch. 31 - 47
COURTS
Dist, bail amount, decision appeal.....Ch.157 - 307
Dist, water rights, adjudication, final decree.....Ch.158 - 308
Insanity defense clarified.....Ch. 59 - 105
Juries, custody during trial, separation allowed.....Ch.145 - 289
Parent/child relationship, termination, when.....Ch.207 - 436
Supreme, approp.....Ch.242 - 499

CRATERS OF THE MOON Chapter - Page
Redesignated National Park.....SJM104 - 849
CREDIT UNIONS
Loans, security.....Ch.139 - 272
Power to buy another credit union.....Ch. 80 - 152
CRIMINAL OFFENSES & PROCEDURES
Agriculture, Dept, rules, violations, penalties.....Ch.187 - 369
Arson, aggravated, defined/penalties.....Ch.230 - 486
Bail amount, decision appeal.....Ch.157 - 307
Child custody interference, defined, penalty.....Ch. 88 - 167
Crime Victims Compensation Act, fines, provided.....Ch.137 - 270
Criminally injurious conduct, clarified.....Ch.226 - 479
Developmentally disabled, stand trial, when.....Ch. 40 - 67
DUI, blood alcohol test, refusal, penalties.....Ch.220 - 469
Graffiti, defined, prohibited, punishment.....Ch.274 - 567
Insanity defense clarified.....Ch. 59 - 105
Juries, custody during trial, separation allowed.....Ch.145 - 289
Law enforcement officers, criminal actions.....Ch.175 - 348
Malicious harassment, civil actions/penalties.....Ch.275 - 568
Motor vehicle accidents, leaving scene, penalties.....Ch.208 - 440
Pure Seed Law, penalties, provided.....Ch.188 - 369
Search warrants, judge may sign.....Ch.321 - 676
Sexual abuse, child, definition expanded.....Ch.178 - 354
Sexual exploitation, child, penalty, increased.....Ch.177 - 352
Terrorist Control Act established.....Ch.318 - 669
Theft, livestock, punishment clarified.....Ch. 84 - 158
DAIRY PRODUCTS
See AGRICULTURE, MILK & MILK PRODUCTS
DAMS
Defined, state regulated.....Ch. 98 - 192
Safety Program, liability, exceptions provided.....Ch.225 - 477
DAY CARE
Regulations, H&W Dept.....Ch. 56 - 92
DEAF
Deaf & Blind School, approp.....Ch.251 - 514
Deaf & Blind School, approp, bond payment.....Ch.343 - 730
Deaf & Blind School, approp, bond payment.....Ch.358 - 791
DEEDS
See also TRUST DEEDS
Sheriff's, state lands leases, provision deleted.....Ch. 62 - 113
DENTISTS AND DENTISTRY
Bd, approp.....Ch.153 - 303
Education programs, IDEP, approp.....Ch.308 - 648
Hygientists, law changes.....Ch. 30 - 39
DISABLED
Community Developmental Disability Services, approp.....Ch.339 - 715
Developmentally, fitness to stand trial.....Ch. 40 - 67
Institutional Developmental Disability Svcs, approp.....Ch.339 - 715
Rehabilitation Act Amendments 1986, accepted.....Ch. 4 - 4
DISASTERS
Services, Military Division, approp.....Ch.234 - 490
DISEASES
Alzheimers, victims/families, assistance.....SCR106 - 817

DISEASES (Continued) Chapter - Page
Occupational, Asbestosis/Beryllosis, claims.....Ch.108 - 220
Pests, Agriculture, Dept, notice/destroy, procedure.....Ch.187 - 369
Renal, Program, approp.....Ch.306 - 646
Renal, Program, approp, supplemental.....Ch. 44 - 72
Venereal, name of patient reported.....Ch.222 - 474
DISTRICTS
See also SCHOOL DISTRICTS
Auditorium, taxing power, abolished.....Ch. 70 - 129
Boise Junior College, continuance.....Ch. 39 - 67
Cooperative Sustained Yield, repealed.....Ch. 64 - 115
Ground Water Management, created.....Ch.349 - 764
Health, public, approp.....Ch.246 - 507
Highway, bid work/state highways, prohibited.....Ch.303 - 643
Highway, biennial audits, when.....Ch.131 - 262
Highway, contracts/bids, requirements.....Ch. 79 - 149
Highway, county-wide, candidate filing time limits.....Ch. 75 - 146
Highway, county-wide, registration fees.....Ch.125 - 255
Highway improvements, limited to funds available.....Ch.130 - 261
Junior college, state funds, disbursement date.....Ch.142 - 283
Library, charitable contributions, tax credits.....Ch.304 - 644
Library, formation, postcard notice.....Ch.201 - 422
Local Business Improvements, created.....Ch. 26 - 34
Local Improvement, assessments.....Ch.126 - 256
Port, purchases, competitive bids increased.....Ch. 83 - 157
Special, municipal service, dissolution.....Ch. 87 - 165
Taxing, indebtedness certified.....Ch. 19 - 26
Water, bonding of watermasters.....Ch.112 - 225
DIVORCE
See DOMESTIC RELATIONS
DOGS
See ANIMALS
DOMESTIC RELATIONS
Child support, service of process, established.....Ch. 36 - 59
Divorce settlement, military benefits.....Ch. 68 - 122
DOMESTIC VIOLENCE COUNCIL
Law Enforcement, Dept, approp.....Ch.338 - 712
DONATIONS
Anatomical tissue/organ/fluid, liability.....Ch.148 - 294
DRIVER TRAINING
Instructor's license, issuance, conditions.....Ch.334 - 707
DRIVERS
See also MOTOR VEHICLES
Accidents, leaving scene, penalties.....Ch.208 - 440
Chauffeurs license, fees increased.....Ch.133 - 264
Chauffeurs license, medical condition statement.....Ch.186 - 368
Chauffeurs license, requirements, clarified.....Ch.279 - 588
DUI, blood alcohol test, measurement.....Ch.122 - 247
DUI, blood alcohol test, refusal, penalties.....Ch.220 - 469
DUI, license suspension.....Ch.122 - 247
DUI, no temporary permit issuance.....Ch.132 - 262
Motor vehicle plates, reissue, 5th year.....Ch.185 - 364

DRUGS Chapter - Page
Addiction/Alcoholism Treatment Program.....Ch.289 - 610
Controlled Substances Act, additions.....Ch. 38 - 61
DUI, drivers license suspension.....Ch.122 - 247
DUI, no temporary permit issuance.....Ch.132 - 262
Enforcement Acct, contributions, state income tax.....Ch.337 - 709
Sale, conviction, teaching contract revoked.....Ch.229 - 485
Substance Abuse Services, approp.....Ch.339 - 715
EDUCATION
See also COLLEGES AND UNIVERSITIES, VOCATIONAL EDUCATION
Bd, approp.....Ch.332 - 705
Bd, approp.....Ch.358 - 791
Bd, approp, Agricultural Research Program.....Ch.269 - 562
Bd, approp, BSU.....Ch.332 - 705
Bd, approp, BSU, campus master plan.....Ch.343 - 730
Bd, approp, BSU, handicapped accessibility.....Ch.358 - 791
Bd, approp, BSU, misc maintenance projects.....Ch.358 - 791
Bd, approp, community colleges.....Ch.265 - 556
Bd, approp, Cooperative Extension Program.....Ch.269 - 562
Bd, approp, Deaf & Blind School.....Ch.251 - 514
Bd, approp, Deaf & Blind School, bond payment.....Ch.343 - 730
Bd, approp, Deaf & Blind School, bond payment.....Ch.358 - 791
Bd, approp, Eastern ID Vocational Technical School.....Ch.358 - 791
Bd, approp, Forest Utilization Research Program.....Ch.248 - 508
Bd, approp, Historical Society.....Ch.359 - 792
Bd, approp, ISU.....Ch.332 - 705
Bd, approp, ISU, College of Pharmacy, remodel.....Ch.343 - 730
Bd, approp, ISU, handicapped accessibility.....Ch.358 - 791
Bd, approp, ISU, Industrial Voc Arts, renovation.....Ch.358 - 791
Bd, approp, ISU, Liberal Arts Bldg renovation.....Ch.358 - 791
Bd, approp, LCSC.....Ch.332 - 705
Bd, approp, LCSC, handicapped accessibility.....Ch.358 - 791
Bd, approp, LCSC, library, planning & design.....Ch.343 - 730
Bd, approp, Library Bd, State.....Ch.307 - 647
Bd, approp, maintenance projects.....Ch.343 - 730
Bd, approp, medical/dental programs.....Ch.308 - 648
Bd, approp, office, administration.....Ch.270 - 563
Bd, approp, public broadcasting.....Ch.267 - 559
Bd, approp, public schools.....Ch.355 - 787
Bd, approp, UofI.....Ch.332 - 705
Bd, approp, UofI, Bd of Regents, higher education.....Ch.332 - 705
Bd, approp, UofI, handicapped accessibility.....Ch.358 - 791
Bd, approp, UofI, library basement remodel.....Ch.358 - 791
Bd, approp, Vocational Education.....Ch.309 - 649
Bd, approp, Vocational Rehabilitation.....Ch.306 - 646
Bd, approp, Vocational Rehabilitation, supplement.....Ch. 44 - 72
Bd, community colleges, new course approval.....Ch. 48 - 76
Bd, teacher certification, term.....HCR22 - 844
Charitable contributions, tax credits.....Ch.304 - 644
Continuing, courses, insurance agents.....Ch.121 - 244
Dept, approp.....Ch.238 - 494
Public School Income Fund, approp.....Ch.355 - 787
Public School, retirement, FICA, unemployment.....Ch.355 - 787

EDUCATION (Continued) Chapter - Page
Scholarships and grants, approp.....Ch.270 - 563
Schools, public, approp.....Ch.355 - 787
Support program, calculation, ADA.....Ch.101 - 200
Support program, calculation, property value.....Ch. 52 - 85
Support program, dist contribution.....Ch. 66 - 116
Support program, legislative study comm.....HCR14 - 839
Support program, property value decline.....Ch.123 - 251
Teachers, certificate fees, increased.....Ch.255 - 518
WAMI Medical, Program, approp.....Ch.271 - 564
WAMI/WICHE/etc, resident requirement changed.....Ch. 50 - 81
WOI Veterinary Medicine Prog, approp.....Ch.272 - 565
EGGS
Assessment increased.....Ch. 21 - 27
ELDERLY
See SENIOR CITIZENS
ELECTIONS
Absentee ballots, application, filed, when.....Ch.167 - 327
Campaign contributions, reporting requirements.....Ch.344 - 731
Candidates, independent, filing date changed.....Ch.262 - 553
Candidates, one office at a time.....Ch.313 - 656
Highway dist, county, candidate filing time limits.....Ch. 75 - 146
Police Retirement Fund, bd members.....Ch. 73 - 143
Political party petition, procedure.....Ch.262 - 553
Polls open 8AM by ordinance.....Ch. 2 - 3
Registration, cancelled, armed forces member.....Ch. 20 - 27
School, absentee voting, deadline.....Ch.179 - 355
School, H194 amended.....Ch.252 - 514
School, voter registration required.....Ch.256 - 519
Taxing dist, indebtedness certified.....Ch. 19 - 26
ELECTRIC POWER
Weiser River Galloway project, activated.....SCR122 - 826
EMPLOYEES AND EMPLOYMENT
Alcoholic beverages, age to drink and serve.....Ch.212 - 448
"Border war" moratorium, Washington state, asked.....SJM106 - 851
Collection agency licensee, dual employment.....Ch.295 - 630
Collection agency, staff, requirements expanded.....Ch.297 - 633
Dept, approp, building construction/maintenance.....Ch. 8 - 13
Jury duty, discharge, employer's fine increased.....Ch. 65 - 116
Law enforcement officers, criminal actions.....Ch.175 - 348
Personnel matters, special leg comm terms estab.....Ch.311 - 653
Public, retired, medical insurance costs, leg comm.....SCR116 - 822
Retirement Incentive Plan established.....Ch.346 - 735
Retirement System, actuarial funding period.....Ch.348 - 763
Retirement System, approp.....Ch.235 - 492
Retirement System, eligibility.....Ch.164 - 322
State, administrators, exemptions.....Ch.312 - 654
State, benefits, evaluation.....Ch.327 - 685
State, grievance procedure adopted.....Ch.100 - 198
State, Hispanic Affairs Comm, created.....Ch.163 - 320
State, medical insurance premiums.....SCR115 - 822
State, pay policies.....HCR15 - 839
State, political activity limited.....Ch.168 - 328

EMPLOYEES AND EMPLOYMENT (Continued) Chapter - Page
State, probationary period.....Ch. 99 - 194
State, temporary, benefits.....Ch.228 - 484
Unemployment benefits.....Ch.317 - 666
Unemployment benefits, eligibility, conditions.....Ch.352 - 780
Workmen's comp, benefits, burial expenses.....Ch. 49 - 78
EMPLOYMENT SECURITY LAW
Rate schedules, formula provided.....Ch.317 - 666
Unemployment benefits.....Ch.317 - 666
Unemployment benefits, eligibility, conditions.....Ch.352 - 780
ENDOWMENT FUND
Investment Bd, approp.....Ch.239 - 496
ENERGY
Super collider proposal, Commerce, Dept, approp.....Ch. 27 - 36
Super collider proposal, Commerce, Dept, approp.....Ch.310 - 652
ENGINEERS
Examiners Bd, approp.....Ch.153 - 303
U.S. Army Corps, Weiser River Galloway Project.....SCR122 - 826
ENVIRONMENT
Division, approp.....Ch.339 - 715
H&W, pollution source permits, author, set/collect.....Ch.135 - 269
PCB Waste Disposal Act 1987, created.....Ch.198 - 411
Pollution/antidegradation policy.....SCR121 - 824
ESTATES
Tax, income, schedule, rates/brackets.....Ch.342 - 725
EXAMINERS BOARD
Chiropractic license, additional requirements.....Ch.144 - 286
EXECUTIVE MANSION
Choice allowed.....Ch. 11 - 15
EXECUTIVE ORDERS
85-8.....875
86-7 thru 86-30.....876
87-1 thru 87-6.....926
FAIRS
Bds, county, appointment, terms.....Ch.184 - 363
FARMING
See AGRICULTURE
FARMS
See AGRICULTURE
FEDERAL LAWS
Rehabilitation Act Amendments 1986, accepted.....Ch. 4 - 4
FEED
Commercial, defined.....Ch.129 - 260
FEES
Attorney, civil actions, "party", defined.....Ch.204 - 430
Attorney, civil actions, "party", defined.....Ch.263 - 555
Brand, recording/renewal, increased.....Ch. 61 - 109
Brand, stock growers, recording/renewal, increase.....Ch. 61 - 109
County officer services, no charge.....Ch. 14 - 18
County recorders, certain, increased.....Ch. 29 - 37
Day care facilities, licensure.....Ch. 56 - 92
Drivers/chauffeurs, licenses, increased.....Ch.133 - 264
Drivers/chauffeurs, licenses, increased.....Ch.186 - 368

FEES (Continued) Chapter - Page
Farm produce dealer, increased.....Ch. 17 - 21
H&W, pollution source permits, author, set/collect.....Ch.135 - 269
Idaho Centennial license plates, reduced.....Ch.146 - 290
Motor vehicle, registration, county-wide hwy dists.....Ch.125 - 255
Motor vehicle, registration, increased.....Ch.361 - 794
Occupational therapists, licensure.....Ch. 69 - 123
Parking permits, x-country skiing.....Ch.181 - 358
Podiatry practice, requirements.....Ch.119 - 232
Psychology practice, definitions.....Ch.147 - 292
Shorthand reporters, increased.....Ch. 72 - 141
Steelhead trout buyer's, license.....Ch.203 - 429
Teachers certificate, increased.....Ch.255 - 518
Water right examiners, licensure.....Ch. 97 - 192
FINANCE
City, emergency levies, when.....Ch.171 - 337
Dept, approp.....Ch.156 - 307
Dept, bank liquidation, notices not needed.....Ch. 76 - 147
Dept, credit union, buy another credit union.....Ch. 80 - 152
Dept, Securities Law, violations, penalties.....Ch.120 - 234
Finance-Appropriations Comm, approp.....Ch.357 - 790
FINANCIAL INSTITUTIONS
See BANKS AND BANKING
FINANCIAL MANAGEMENT
Division, approp.....Ch.219 - 468
FINES
Crime Victims Compensation Act, provided.....Ch.137 - 270
Employer's, increased, employee fired, jury duty.....Ch. 65 - 116
FIRE
Arson, aggravated, defined/penalties.....Ch.230 - 486
Suppression Acct, created.....Ch.192 - 390
FIREARMS
Prohibited, archery hunts, penalty.....Ch.261 - 552
FISH AND GAME
Archery hunts, firearms prohibited, penalty.....Ch.261 - 552
Code, violation, guilty plea, effect.....Ch.176 - 349
Comm, issue special bighorn sheep tags.....Ch.322 - 677
Comm, member apptd, Pacific Marine Fisheries Comm.....Ch.197 - 410
Dept, approp.....Ch.217 - 465
Dept, approp, migratory waterfowl habitat imprvmnt.....Ch.286 - 607
Dept, approp, upland game habitat improvement.....Ch.286 - 607
Dept, approp, wildlife program.....Ch.286 - 607
Dept, tests, imported game animals.....Ch.211 - 444
Dept, wolves, captive, records/tattoos, required.....Ch.323 - 678
Hunt, control, land owners, add'l permits issued.....Ch.159 - 311
Hunting, migratory waterfowl, stamp required.....Ch.173 - 339
Hunting, trespassing, certain lands, prohibited.....Ch.116 - 229
Predator control, no interference.....Ch.288 - 609
Steelhead trout, sale, buyer's license, fee.....Ch.203 - 429
Trust Acct, contributions, state income tax.....Ch.337 - 709
Upland game permit established.....Ch.253 - 515
FOOD
Stamps used, sales tax, exempt.....Ch.335 - 707

FOOD (Continued) Chapter - Page
Stamps used, sales tax, exempt.....Ch.336 - 708
WIC Program, food purchases, sales tax, exempt.....Ch.335 - 707
FORESTS AND FORESTRY
Assessment ceiling, products scale, increased.....Ch.196 - 408
Cooperative Sustained Yield Dists, repealed.....Ch. 64 - 115
Fire protection, assessment increased.....Ch.192 - 390
Fire protection, pests, programs.....Ch.192 - 390
Forest Management Acct, created.....Ch.192 - 390
Lands, Dept, approp, additional '87.....Ch. 3 - 4
Practices Administration Acct, created.....Ch.250 - 510
Practices Rehabilitation Acct, created.....Ch.281 - 591
State-owned timber, cash deposit.....Ch.354 - 786
Timber sales, advertising time.....Ch. 63 - 114
Timber sales, income tax deductions, capital gains.....Ch.324 - 680
Utilization Research Program, approp.....Ch.248 - 508
Western States, Task Force, continuation.....HCR18 - 843
Yield tax, no budget cap.....Ch.205 - 431
FRUIT
Apple Comm.....Ch.236 - 492
Apple Comm, assessment, increased.....Ch.300 - 638
Cherry Comm.....Ch.236 - 492
FUELS
Gasohol, defined, tax purposes.....Ch. 82 - 155
Oil & gas exploration, Arctic plain.....HJM9 - 859
Tax, motor, distributor's reports, requirements.....Ch.209 - 442
Tax, motor, sales exemptions, clarified.....Ch. 18 - 23
Tax, special, return required.....Ch. 89 - 168
Tax, special, returns/reporting.....Ch.298 - 634
FUNDS
City, additions to deposit & investment.....Ch.162 - 318
GAMBLING
Initiative No. 1.....861
Lotteries, authorized, as provided by law.....HJR3 - 801
GAS
See FUELS
GASOHOL
See FUELS
GENERAL SERVICES
Approp.....Ch.235 - 492
Approp.....Ch.245 - 505
GEOLOGISTS AND GEOLOGY
Bd, approp.....Ch.153 - 303
Geological Survey Program, approp.....Ch.247 - 507
GOVERNMENT
City, boards/comm, duties enumerated, ordinance.....Ch. 24 - 33
Liability, claims, ID Nat'l Guard Act, immune.....Ch.106 - 218
State, group discount purchasing allowed.....Ch.325 - 681
GOVERNOR
Appointments, Pacific Marine Fisheries Comm.....Ch.197 - 410
Budget Address.....HCR2 - 829
Executive Orders
85-8.....875

GOVERNOR (Continued) Chapter - Page
Executive Orders (Continued)
86-7 thru 86-30.....876
87-1 thru 87-6.....926
Office of, approp, administration, residence.....Ch.218 - 467
Office of, approp, Aging, Office on.....Ch.333 - 706
Office of, approp, Blind Comm.....Ch.333 - 706
Office of, approp, Blind Comm, maintenance projects.....Ch.343 - 730
Office of, approp, Blind Comm, maintenance projects.....Ch.358 - 791
Office of, approp, Centennial Comm.....Ch.152 - 303
Office of, approp, Endowment Fund Investment Bd.....Ch.239 - 496
Office of, approp, Financial Management, Division.....Ch.219 - 468
Office of, approp, General Services.....Ch.235 - 492
Office of, approp, General Services.....Ch.245 - 505
Office of, approp, Insurance Fund, State.....Ch.277 - 570
Office of, approp, Insurance Fund, State, add'l '87.....Ch. 23 - 32
Office of, approp, Liquor Dispensary.....Ch.235 - 492
Office of, approp, Military Division.....Ch.234 - 490
Office of, approp, Military Div, Homedale Armory.....Ch.343 - 730
Office of, approp, Military Div, maint projects.....Ch.343 - 730
Office of, approp, Military Div, maint projects.....Ch.358 - 791
Office of, approp, Retirement System.....Ch.235 - 492
Residence, approp.....Ch.218 - 467
Residence, choice allowed.....Ch. 11 - 15
State of State Message.....HCR1 - 829
GRAFFITI
Defined, prohibited, punishment.....Ch.274 - 567
GRIEVANCES
State employees, procedure adopted.....Ch.100 - 198
GUNS
See FIREARMS
HANDICAPPED
See DISABLED
HAZARDOUS SUBSTANCES
H&W Program, approp.....Ch.339 - 715
Idaho Hazardous Waste Management Plan adopted.....SCR104 - 803
Research/development permit, requirements.....Ch.102 - 204
Transportation, civil enforcement action, when.....Ch.105 - 216
Transportation, Pacific States Agreement.....Ch. 57 - 101
Transportation, permit requirement clarified.....Ch.345 - 733
Waste disposal facility site, licensing.....Ch.103 - 207
HEALTH
Boron Neutron Capture Therapy, INEL, support.....SJM101 - 847
Claims, Asbestosis/Beryllosis.....Ch.108 - 220
Dists, public, approp.....Ch.246 - 507
Division, approp.....Ch.339 - 715
Physical, Services, approp.....Ch.339 - 715
HEALTH AND WELFARE
Dept, approp.....Ch.358 - 791
Dept, approp, Adult & ADC Assistance Payments.....Ch.339 - 715
Dept, approp, Air Quality Program.....Ch.339 - 715
Dept, approp, Community Developmental Disability.....Ch.339 - 715
Dept, approp, Community Mental Health Services.....Ch.339 - 715

HEALTH AND WELFARE (Continued) Chapter - Page
Dept, approp, Community Rehabilitation Services.....Ch.339 - 715
Dept, approp, Eligibility Services.....Ch.339 - 715
Dept, approp, Emergency Medical Services.....Ch.339 - 715
Dept, approp, Environmental Division.....Ch.339 - 715
Dept, approp, Hazardous Materials Program.....Ch.339 - 715
Dept, approp, Health, Division.....Ch.339 - 715
Dept, approp, Indirect Support Services.....Ch.339 - 715
Dept, approp, Institutional Developmental Dsablty.....Ch.339 - 715
Dept, approp, Institutional Mental Health Services.....Ch.339 - 715
Dept, approp, Laboratory Services.....Ch.339 - 715
Dept, approp, maintenance projects.....Ch.343 - 730
Dept, approp, maintenance projects.....Ch.358 - 791
Dept, approp, Medical Assistance Payments.....Ch.339 - 715
Dept, approp, Medical Assistance Payments, add'l 87.....Ch. 5 - 5
Dept, approp, Physical Health Services.....Ch.339 - 715
Dept, approp, Social Services.....Ch.339 - 715
Dept, approp, State Hospital North.....Ch.339 - 715
Dept, approp, State Hospital South.....Ch.339 - 715
Dept, approp, State Hospital South.....Ch.358 - 791
Dept, approp, Substance Abuse Services.....Ch.339 - 715
Dept, approp, Veterans Home, domiciliary remodel.....Ch.343 - 730
Dept, approp, Veterans Services Program.....Ch.339 - 715
Dept, approp, Water Quality Program.....Ch.339 - 715
Dept, approp, Welfare, Division.....Ch.339 - 715
Dept, approp, Youth Services Center.....Ch.339 - 715
Dept, certain supervisors, classification.....Ch.223 - 475
Dept, day care, regulations.....Ch. 56 - 92
Dept, pollution source permits, author, set/collect.....Ch.135 - 269
Dept, review/approve, ore cyanidation processing.....Ch.356 - 789
Dept, Telecommunications Assistance Program.....Ch.328 - 686
Dept, venereal disease, patient name reported.....Ch.222 - 474
Health dists, public, approp.....Ch.246 - 507
HIGHER EDUCATION
See EDUCATION, COLLEGES AND UNIVERSITIES
HIGHWAYS
See also ROADS
Dists, biennial audits, when.....Ch.131 - 262
Dists, contracts/bids, requirements.....Ch. 79 - 149
Dists, county, bid work/state highways, prohibited.....Ch.303 - 643
Dists, county-wide, candidate filing time limits.....Ch. 75 - 146
Dists, county-wide, motor vehicle registration fees.....Ch.125 - 255
Federal, bill, reauthorized.....HJM1 - 853
Improvements, limited to funds available.....Ch.130 - 261
Speed limits, increased.....Ch.280 - 590
HISPANICS
Affairs Comm, created.....Ch.163 - 320
HISTORIC SITES
Maintenance, approp.....Ch.359 - 792
HISTORICAL SOCIETIES
State, approp.....Ch.359 - 792
HOLIDAYS
State, Martin Luther King commemorative day estab.....Ch. 1 - 3

HOMES Chapter - Page
Industries, Congress petitioned.....SJM105 - 850
Manufactured, sales tax exemptions, clarified.....Ch. 18 - 23
HONEY
Advertising Comm, approp.....Ch.243 - 500
HORSE RACING
Comm, approp.....Ch.338 - 712
Comm, name changed to Racing Comm.....Ch.316 - 660
HORSES
See LIVESTOCK
HOSPITALS
Anatomical tissue/organ/fluid donations, liability.....Ch.148 - 294
State, North, administrator, classification.....Ch.223 - 475
State, North, approp.....Ch.339 - 715
State, School, administrator, classification.....Ch.223 - 475
State, South, administrator, classification.....Ch.223 - 475
State, South, approp.....Ch.339 - 715
State, South, approp.....Ch.358 - 791
HUMAN RIGHTS
Comm, approp.....Ch.333 - 706
Comm, Martin Luther King commemorative day estab.....Ch. 1 - 3
HUNTING
See FISH AND GAME
IDAHO CODE
Comm, Attorney General opinions, codified.....Ch.114 - 227
Comm, Court of Appeals opinions, codified.....Ch.114 - 227
IDAHO STATE UNIVERSITY
See COLLEGES AND UNIVERSITIES
INDIANS
Affairs issues, legislative study comm.....HCR7 - 835
Sales tax exemptions, clarified.....Ch. 18 - 23
INDIGENTS
Medical assistance program, county/federal funds.....Ch.170 - 334
INDUSTRIAL COMMISSION
Approp.....Ch.232 - 488
INDUSTRY
Home, Congress petitioned.....SJM105 - 850
INHERITANCE
Tax, fair market value, time limit provided.....Ch. 90 - 169
INITIATIVES
No. 1.....861
INSPECTORS AND INSPECTIONS
Agriculture, Dept, pests/diseases, notice to destroy....Ch.187 - 369
Brand, approp.....Ch.338 - 712
INSURANCE
Agents, continuing education courses.....Ch.121 - 244
Dept, approp.....Ch.237 - 493
Foreign insurers, redomestication.....Ch.302 - 640
Foreign insurers, security deposit eliminated.....Ch.291 - 616
Fund, State, approp.....Ch.277 - 570
Fund, State, approp, additional '87.....Ch. 23 - 32
Guaranty Assn, benefits, Idaho residents only.....Ch.292 - 617
Guaranty Assn, unearned premiums/covered claims.....Ch.124 - 254

INSURANCE (Continued) Chapter - Page
Liability, motor vehicles, mandatory.....Ch.361 - 794
Liability, reform measures.....Ch.278 - 571
Liability Risk Retention Act, created.....Ch.140 - 274
Management Division, approp.....Ch.245 - 505
Medical, cost/retirees, legislative study comm.....SCR116 - 822
Medical, premiums, state retirees.....SCR115 - 822
Mutual Benefit Associations, law repealed.....Ch. 78 - 149
Premium tax, legislative study comm.....Ch.340 - 720
Premiums, tax rates increased.....Ch.340 - 720
Solicitation permit, code reference.....Ch. 81 - 154
INTEREST
Security, farm products, clarified.....Ch.284 - 596
INVESTMENTS
Tax credit, extend through 1987.....Ch.319 - 671
JAILS
See also CORRECTIONAL INSTITUTIONS
Juvenile justice system, legislative study comm.....HCR25 - 844
Refuse juvenile offender, when.....Ch.216 - 465
JUDGES
Dist, bail amount, decision appeal.....Ch.157 - 307
Dist, water rights, adjudication, final decree.....Ch.158 - 308
Magistrate, may sign search warrants.....Ch.321 - 676
Retirement Fund, no deductions after 20 years.....Ch.107 - 219
JURIES
Custody during trial, separation allowed, when.....Ch.145 - 289
Employees discharged, employer's fine increased.....Ch. 65 - 116
JUVENILES
Alcoholic beverages, age to drink and serve.....Ch.212 - 448
Child custody interference, defined, penalty.....Ch. 88 - 167
Child support, service of process, established.....Ch. 36 - 59
Justice system, legislative study comm.....HCR25 - 844
Offender, jail not receive, when.....Ch.216 - 465
Restitution for property damages.....Ch.257 - 522
Sexual abuse, definition expanded.....Ch.178 - 354
Sexual exploitation, penalty, increased.....Ch.177 - 352
KING, MARTIN LUTHER
Commemorative day established.....Ch. 1 - 3
LABOR AND INDUSTRIAL SERVICES
Dept, approp.....Ch.241 - 498
Dept, approp, additional '87.....Ch. 41 - 70
Safety and Labor Relations Bureau, approp.....Ch.241 - 498
Safety Bureaus, approp.....Ch.241 - 498
LABORATORY
Services, approp.....Ch.339 - 715
LANDS
Dept, approp.....Ch.250 - 510
Dept, approp, additional '87.....Ch. 77 - 148
Dept, approp, additional '87.....Ch. 3 - 4
Dept, approp, maintenance projects.....Ch.343 - 730
Dept, approp, maintenance projects.....Ch.358 - 791
Owners, controlled hunts, add'l permits issued.....Ch.159 - 311
Public/private, trespassing, prohibited.....Ch.116 - 229

LANDS (Continued) Chapter - Page
State, leases, annual rental, exceptions.....Ch.111 - 223
State, leases, sheriff's deed, provision deleted.....Ch. 62 - 113
State, sale, installment basis, allowed.....Ch. 95 - 187
State, timber sales, advertising time.....Ch. 63 - 114
LAVA HOT SPRINGS
Foundation, approp.....Ch.244 - 502
LAW ENFORCEMENT
Dept, approp.....Ch.338 - 712
Dept, approp, Alcohol Awareness Comm.....Ch.338 - 712
Dept, approp, Alcohol Beverage Control.....Ch.338 - 712
Dept, approp, Domestic Violence Council.....Ch.338 - 712
Dept, approp, POST Academy.....Ch.338 - 712
DUI, blood alcohol test, measurement.....Ch.122 - 247
DUI, blood alcohol test, refusal, penalties.....Ch.220 - 469
DUI, license suspension.....Ch.122 - 247
DUI, no temporary permit issuance.....Ch.132 - 262
Emergency vehicle, unauthorized, penalty provided.....Ch.189 - 382
Jail refuse juvenile offender, when.....Ch.216 - 465
Officers, criminal actions.....Ch.175 - 348
Peace officers, reasonable means to effect arrest.....Ch.117 - 231
Police pursuit, traffic infraction.....Ch. 85 - 160
Police Retirement Fund, bd members, elections.....Ch. 73 - 143
POST Academy, approp.....Ch.338 - 712
POST certification, exceptions.....Ch.180 - 356
Records, disclosure, sunset clause, extended.....Ch.224 - 477
Reports, agency, confidential.....Ch.226 - 479
Search warrants, judge may sign.....Ch.321 - 676
Terrorist Control Act established.....Ch.318 - 669
LAWYERS
See ATTORNEYS
LEASES
Lands, state, annual rental, exceptions.....Ch.111 - 223
Lands, state, sheriff's deed, provision deleted.....Ch. 62 - 113
LEGISLATIVE AUDITOR
See AUDITOR
LEGISLATIVE COUNCIL
Approp.....Ch.357 - 790
Contractor licensing/lien laws, study comm.....HCR26 - 845
Educational Support Program, study comm.....HCR14 - 839
Indian affairs issues, study comm.....HCR7 - 835
Insurance premium tax, study comm.....Ch.340 - 720
Juvenile justice system, study comm.....HCR25 - 844
Medicaid program, study comm.....HCR6 - 835
Medical insurance cost/retirees, study comm.....SCR116 - 822
LEGISLATURE
Attorneys General meeting, President Reagan invited.....HJM6 - 856
Bills, printing contract.....HCR3 - 830
"Border war" moratorium, Washington state, asked.....SJM106 - 851
Budget Office, approp.....Ch.357 - 790
Commemorative stamp series/centennial celebration.....HJM4 - 854
Contractor licensing/lien laws, study comm.....HCR26 - 845
Educational Support Program, study comm.....HCR14 - 839

LEGISLATURE (Continued) Chapter - Page
Home industries, Congress petitioned.....SJM105 - 850
Indian affairs issues, study comm.....HCR7 - 835
Industrial Administration Building, renovation.....SCR120 - 823
Insurance premium tax, study comm.....Ch.340 - 720
Juvenile justice system, study comm.....HCR25 - 844
Lotteries, authorized, as provided by law.....HJR3 - 801
Medicaid program, study comm.....HCR6 - 835
Medical insurance cost/retirees, study comm.....SCR116 - 822
Medical insurance premiums, state retirees.....SCR115 - 822
Member, appointed, Pacific Marine Fisheries Comm.....Ch.197 - 410
Nuclear power development encouraged.....HJM8 - 857
Oil & gas exploration, Arctic plain.....HJM9 - 859
Parks, state, resident preference, reservations.....HCR12 - 838
Pollution/antidegradation policy.....SCR121 - 824
Prison facilities construction, authorized.....SCR109 - 819
Sales tax on mail order items.....HJM5 - 855
School teachers, minimum salary recommended.....SCR124 - 828
Session laws, printing contract.....HCR16 - 840
Special comm, personnel matters, terms established.....Ch.311 - 653
State buildings, lease-purchase, authorized.....Ch.314 - 657
State employees, pay policies.....HCR15 - 839
Streamflow, minimum, Big Wood River.....HCR8 - 837
Streamflow, minimum, Henry's Fork River.....SCR114 - 821
Streamflow, minimum, Silver Creek.....HCR9 - 837
U.S. Constitution, 200th anniversary noted.....SCR123 - 827
Weiser River Galloway project, activated.....SCR122 - 826
Western States Forestry Task Force, continuation.....HCR18 - 843
LEVIES
See TAX AND TAXATION, PROPERTY
LEWIS-CLARK STATE COLLEGE
See COLLEGES AND UNIVERSITIES
LIBRARIES
Dists, charitable contributions, tax credits.....Ch.304 - 644
Dists, formation, postcard notice.....Ch.201 - 422
State, Bd, approp.....Ch.307 - 647
LICENSES
Beer brewer's pub, issuance.....Ch. 22 - 29
Beer brewer's retail, issuance.....Ch. 22 - 29
Beer, city, appeals provided.....Ch. 12 - 16
Beer, fee schedule provided.....Ch. 91 - 172
Bonds, vehicle dealers, qualifications.....Ch.109 - 221
Chauffeur, requirements, clarified.....Ch.279 - 588
Chiropractic, additional requirements.....Ch.144 - 286
Contractor, lien laws, legislative study comm.....HCR26 - 845
Day care facilities.....Ch. 56 - 92
Dental/hygientists, law changes.....Ch. 30 - 39
Drivers, blood alcohol test, refusal, penalties.....Ch.220 - 469
Drivers, DUI, no temporary permit issuance.....Ch.132 - 262
Drivers/chauffeurs, fees increased.....Ch.133 - 264
Drivers/chauffeurs, medical condition statement.....Ch.186 - 368
F&G, revoked, archery hunt, gun use.....Ch.261 - 552
Food products resembling milk products.....Ch. 7 - 8

LICENSES (Continued) Chapter - Page
Instructor's, driver training schools.....Ch.334 - 707
Land surveyors, exemptions.....Ch. 71 - 140
Liquor by the drink, ski facilities, x-country.....Ch. 32 - 53
Liquor by the drink, transfer, state taxes.....Ch. 86 - 161
Occupational therapists & assistants.....Ch. 69 - 123
Occupational Therapy, Bd, established.....Ch. 69 - 123
Pesticide applicators, clarified.....Ch.104 - 214
Pesticide applicators, requirements.....Ch.299 - 635
Physical therapy, conditions provided.....Ch. 46 - 74
Plates, Centennial, issuance.....Ch.146 - 290
Plates, certain, vehicles 30 years old.....Ch.118 - 231
Plates, repossessed, issuance & use.....Ch.190 - 382
Podiatry, practice fees, requirements.....Ch.119 - 232
Psychologist, fees, definitions.....Ch.147 - 292
Public Works Contractors, Bd, compensation increased....Ch. 55 - 91
Real estate brokers/salesmen, nonresident.....Ch.193 - 398
Steelhead trout, buyer's fee.....Ch.203 - 429
Warehouse, two or more locations.....Ch.143 - 284
Water right examiners, fees.....Ch. 97 - 192
LIENS
Laws, contractors, legislative study comm.....HCR26 - 845
LIEUTENANT GOVERNOR
Approp.....Ch.341 - 725
LIQUOR
See also BEER, WINE
Age to drink and serve.....Ch.212 - 448
Alcoholism Treatment Program/drug addiction.....Ch.289 - 610
Catering permits, county/city clerk approve.....Ch. 58 - 104
Dispensary, approp.....Ch.235 - 492
DUI, blood alcohol test, measurement.....Ch.122 - 247
License, by the drink, ski facilities, x-country.....Ch. 32 - 53
License, by the drink, transfer, state taxes.....Ch. 86 - 161
Sales, "premises", defined.....Ch.200 - 421
Substance Abuse Services, approp.....Ch.339 - 715
LITIGATION
Expenses, Idaho corporations, clarified.....Ch.221 - 471
LIVESTOCK
See also ANIMALS
Brands, stock growers, recording/renewal, fee.....Ch. 61 - 109
Idaho Horse Bd established.....Ch.214 - 457
Sale, income tax deductions, capital gains.....Ch.324 - 680
Sheep Comm, approp.....Ch.243 - 500
Sheep included in 1979 Meat Import Act.....SJM102 - 848
Theft, punishment clarified.....Ch. 84 - 158
LOANS
Agricultural, interest, no tax deductions.....Ch.290 - 615
Credit union, security.....Ch.139 - 272
Uniform Fraudulent Transfer Act.....Ch.202 - 422
Wastewater Facility, Acct, established.....Ch.174 - 342
LOTTERIES
Authorized, as provided by law.....HJR3 - 801
Initiative No. 1.....861

MAGISTRATES Chapter - Page
See COURTS, JUDGES
MALPRACTICE
Insurance, tort reform measures.....Ch.278 - 571
MEDICAID ASSISTANCE
See PUBLIC ASSISTANCE
MEDICAL
Anatomical tissue/organ/fluid donations, liability.....Ch.148 - 294
Assistance program, indigents, county/federal funds.....Ch.170 - 334
Education programs, PSEP, WICHE, UofUtah, approp.....Ch.308 - 648
Emergency, Services, approp.....Ch.339 - 715
Emergency, Services, II, established.....Ch.133 - 264
Insurance, cost/retirees, legislative study comm.....SCR116 - 822
Insurance premiums, state retirees.....SCR115 - 822
WAMI, Education Program, approp.....Ch.271 - 564
MEDICAL ASSISTANCE
See PUBLIC ASSISTANCE
MEDICINE
Bd, approp.....Ch.153 - 303
Boron Neutron Capture Therapy, INEL, support.....SJM101 - 847
MEMORIALS
Attorneys General meeting, President Reagan invited.....HJM6 - 856
"Border war" moratorium, Washington state, asked.....SJM106 - 851
Boron Neutron Capture Therapy, INEL, support.....SJM101 - 847
Commemorative stamp series/centennial celebration.....HJM4 - 854
Craters of the Moon redesignated National Park.....SJM104 - 849
Federal highway bill, reauthorized.....HJM1 - 853
Home industries, Congress petitioned.....SJM105 - 850
Mail order items, sales tax required.....HJM5 - 855
Nuclear power development encouraged.....HJM8 - 857
Oil & gas exploration, Arctic plain.....HJM9 - 859
Sales tax on mail order items.....HJM5 - 855
Sheep included in 1979 Meat Import Act.....SJM102 - 848
Vietnam Veterans Memorial, established.....SCR101 - 803
MENTAL HEALTH
Community, Services, approp.....Ch.339 - 715
Institutional, Services, approp.....Ch.339 - 715
MENTAL ILLNESS
Insanity defense clarified.....Ch. 59 - 105
MILITARY AND MILITIA
Adjutant General, fed recognized member Natl Guard.....Ch.330 - 689
Armed forces member, voter registration, cancelled.....Ch. 20 - 27
Division, approp.....Ch.234 - 490
Division, approp, Homedale Armory.....Ch.343 - 730
Division, approp, maintenance projects.....Ch.343 - 730
Division, approp, maintenance projects.....Ch.358 - 791
National Guard activities, liability, immune.....Ch.106 - 218
MILK AND MILK PRODUCTS
Dairy Products Comm, approp.....Ch.236 - 492
Food products resembling milk products.....Ch. 7 - 8
MINERALS
Ore, cyanidation processing, H&W, review/approve.....Ch.356 - 789

MINES AND MINING Chapter - Page
Ore, cyanidation processing, H&W, review/approve.....Ch.356 - 789
MINORS
See CHILDREN, JUVENILES
MINT
Comm, assessments.....Ch.285 - 605
MONUMENTS
Exterior, subdivisions, setting, conditions.....Ch.227 - 482
Interior, subdivisions, setting, conditions.....Ch.227 - 482
MORTGAGES
Security, credit union loans.....Ch.139 - 272
MOTOR FUELS
See FUELS
MOTOR VEHICLES
See also DRIVERS
Accidents, leaving scene, penalties.....Ch.208 - 440
Dealers, license bonds, qualifications.....Ch.109 - 221
Driver training schools, instructor's license.....Ch.334 - 707
Drivers/chauffeurs, license, fees increased.....Ch.133 - 264
Drivers/chauffeurs, license, medical condition.....Ch.186 - 368
DUI, blood alcohol test, measurement.....Ch.122 - 247
DUI, blood alcohol test, refusal, penalties.....Ch.220 - 469
DUI, license suspension.....Ch.122 - 247
DUI, no temporary permit issuance.....Ch.132 - 262
Emergency, unauthorized, penalty provided.....Ch.189 - 382
Insurance, liability, mandatory.....Ch.361 - 794
License plates, certain, vehicles 30 years old.....Ch.118 - 231
License plates, issued & repossessed.....Ch.190 - 382
Licensing requirements, chauffeur, clarified.....Ch.279 - 588
Lights, flashing, authorized, when.....Ch.150 - 301
Lights, red/blue, authorized, when.....Ch.150 - 301
Odometer readings, recorded, time of sale.....Ch.195 - 405
Registration, county attribution.....Ch.134 - 266
Registration, every 5 years.....Ch.185 - 364
Registration, fees, county-wide highway dists.....Ch.125 - 255
Registration, fees, increased.....Ch.361 - 794
Speed limits, increased, designated highways.....Ch.280 - 590
MOTORCYCLES
Registration, exempt, certain uses.....Ch.194 - 404
NATIONAL GUARD
Activities, liability, gov't, claims, immune.....Ch.106 - 218
Adjutant General, federally recognized member.....Ch.330 - 689
NEWSPAPERS
Publish, abandoned property list.....Ch. 10 - 14
Timber sales, advertising time.....Ch. 63 - 114
NORTH IDAHO COLLEGE
See COLLEGES AND UNIVERSITIES
NUCLEAR ENERGY
Power development encouraged.....HJM8 - 857
NURSES AND NURSING
Bd, approp.....Ch.153 - 303
OCCUPATIONAL LICENSES BUREAU
Approp.....Ch.153 - 303

OCCUPATIONAL LICENSES BUREAU (Continued) Chapter - Page
Chiropractic license, additional requirements.....Ch.144 - 286
Dental/hygientists, law changes.....Ch. 30 - 39
Occupational therapists, licensure.....Ch. 69 - 123
Optometrists issue prescriptions, conditions.....Ch.210 - 443
Physical therapy, defined.....Ch. 46 - 74
Podiatry practice fees, requirements.....Ch.119 - 232
Psychology practice fees, definitions.....Ch.147 - 292
ODOMETERS
Readings, motor vehicles, recorded, time of sale.....Ch.195 - 405
OFFICERS
County, services, no charge.....Ch. 14 - 18
Law enforcement, criminal actions.....Ch.175 - 348
OIL
Gas exploration, Arctic plain.....HJM9 - 859
OLYMPICS
U.S., Acct, contributions, state income tax.....Ch.337 - 709
U.S., Acct reestablished.....Ch. 6 - 6
OPTOMETRY AND OPTOMETRISTS
Bd, approp.....Ch.153 - 303
Optometrists issue prescriptions, conditions.....Ch.210 - 443
ORDINANCES
County, where filed.....Ch. 15 - 19
Zoning, change, alternate forms/notice, provided.....Ch.329 - 688
ORGANIZATIONS
Charitable, liability, exempt.....Ch.278 - 571
OUTFITTERS AND GUIDES
Bd, approp.....Ch.153 - 303
PARDONS AND PAROLE
Probation services/payment, sunset clause repealed.....Ch.266 - 557
PARENTS
Parent/child relationship, termination, when.....Ch.207 - 436
PARI-MUTUEL WAGERING
Centennial Futurity Acct, created.....Ch.282 - 592
Dog racing, allowed.....Ch.316 - 660
PARKS AND RECREATION
Bd, state parks, resident preference, reservations.....HCR12 - 838
Craters of the Moon redesignated.....SJM104 - 849
Dept, approp.....Ch.244 - 502
Dept, approp, maintenance projects.....Ch.343 - 730
Dept, approp, maintenance projects.....Ch.358 - 791
Dept, interpretive services, provided.....Ch.160 - 315
PEACE OFFICERS
See POLICEMEN
PERMANENT BUILDING FUND ADVISORY COUNCIL
Approp, capitol building repairs.....Ch. 16 - 20
Approp, maintenance projects.....Ch.343 - 730
Approp, maintenance projects.....Ch.358 - 791
PERMITS
Day care.....Ch. 56 - 92
DUI, no temporary, issuance.....Ch.132 - 262
Hazardous waste, research/development, requirement.....Ch.102 - 204
Hazardous waste trip, requirements clarified.....Ch.345 - 733

PERMITS (Continued) Chapter - Page
Hunt, control, land owners, add'l issued, when.....Ch.159 - 311
H&W pollution source, author, set/collect.....Ch.135 - 269
Liquor catering, county/city clerk approve.....Ch. 58 - 104
Occupational therapists & assistants.....Ch. 69 - 123
Parking, x-country skiing.....Ch.181 - 358
Solicitation, code reference.....Ch. 81 - 154
Upland game, established.....Ch.253 - 515
PERSONNEL COMMISSION
Approp.....Ch.231 - 487
H&W, certain supervisors, excluded.....Ch.223 - 475
Personnel matters, spec leg comm established.....Ch.311 - 653
Rules, state employee, probationary period.....Ch. 99 - 194
State, administrators, exempt.....Ch.312 - 654
State employees, benefits, evaluation.....Ch.327 - 685
State employees, grievance procedure adopted.....Ch.100 - 198
PESTICIDES
Applicators, licensing, clarified.....Ch.104 - 214
Applicators, licensing, requirements.....Ch.299 - 635
PESTS
Diseases, Agriculture Dept, notice/destroy procedure....Ch.187 - 369
Forest, Acct, created.....Ch.192 - 390
Forest, control, programs.....Ch.192 - 390
Pesticide applicators, licensing, clarified.....Ch.104 - 214
Pesticide applicators, licensing, requirements.....Ch.299 - 635
PHARMACIES AND PHARMACISTS
Bd, approp.....Ch.153 - 303
Bd, approp, additional '87.....Ch. 35 - 59
ISU, College of Pharmacy, approp, remodel.....Ch.343 - 730
PHYSICAL THERAPISTS
Physical therapy defined.....Ch. 46 - 74
PLANNING AND ZONING
Ordinance change, alternate forms/notice, provided.....Ch.329 - 688
PLATS AND VACATIONS
Monuments, exterior, subdivisions, conditions.....Ch.227 - 482
Monuments, interior, subdivisions, setting condtns.....Ch.227 - 482
PODIATRISTS
Practice fees, requirements.....Ch.119 - 232
POISONS
Cyanidation processing, H&W Dept, review/approve.....Ch.356 - 789
POLICEMEN
See also LAW ENFORCEMENT
Arrest, reasonable means.....Ch.117 - 231
POST Academy, approp.....Ch.338 - 712
POST certification, exceptions.....Ch.180 - 356
Pursuit, traffic infraction.....Ch. 85 - 160
Retirement Fund, bd members, elections.....Ch. 73 - 143
State, approp.....Ch.338 - 712
State, jail refuse juvenile offender, when.....Ch.216 - 465
POLITICAL PARTIES
State employees, political activity limited.....Ch.168 - 328
POLLING PLACES
See ELECTIONS

POLLUTION Chapter - Page
See ENVIRONMENT
PORT DISTRICTS
Purchases, competitive bids increased.....Ch. 83 - 157
POTATOES
See AGRICULTURE
PREDATORS
Control, no interference.....Ch.288 - 609
PRESCRIPTIONS
Optometrists issue, conditions.....Ch.210 - 443
PRINTING
Bills, legislative, contract.....HCR3 - 830
Session laws, contract.....HCR16 - 840
PRISONERS
Employment while in county jail.....Ch.182 - 361
Juvenile, jail not receive, when.....Ch.216 - 465
PRISONS
See CORRECTIONAL INSTITUTIONS
PROBATE
Community Guardian Bd, county commission, appoint.....Ch.320 - 673
PROPERTY
See also TAX AND TAXATION, PROPERTY
Abandoned, newspaper publish list.....Ch. 10 - 14
Damages, by a minor, restitution provided.....Ch.257 - 522
Local improvement dist, assessments.....Ch.126 - 256
Personal, tangible, sales tax increase to 5%.....Ch. 31 - 47
Railroad, value apportionment, tax purposes.....Ch. 34 - 57
Real, credit union loans, security.....Ch.139 - 272
Real, summary of instrument, recording, effect.....Ch.353 - 785
Unclaimed, Law, counties may administer.....Ch.115 - 228
Uniform Fraudulent Transfer Act.....Ch.202 - 422
PROPERTY TAX
See TAX AND TAXATION, PROPERTY
PSYCHOLOGISTS
Practice fees, definitions.....Ch.147 - 292
PUBLIC ASSISTANCE
Adult & ADC Assistance Program, approp.....Ch.339 - 715
Community Developmental Disability Services, approp.....Ch.339 - 715
Community Mental Health Services, approp.....Ch.339 - 715
Community Rehabilitation Services, approp.....Ch.339 - 715
Eligibility Services, approp.....Ch.339 - 715
Emergency Medical Services, approp.....Ch.339 - 715
Food stamps, sales tax, exempt.....Ch.335 - 707
Food stamps, sales tax, exempt.....Ch.336 - 708
Institutional Mental Health Services, approp.....Ch.339 - 715
Medicaid program, legislative study comm.....HCR6 - 835
Medical Assistance Program, approp, add'l '87.....Ch. 5 - 5
Medical Assistance Program, approp.....Ch.339 - 715
Medical program, indigents, county/federal funds.....Ch.170 - 334
Physical Health Services, approp.....Ch.339 - 715
Social Services, approp.....Ch.339 - 715
Substance Abuse Services, approp.....Ch.339 - 715
Telecommunications Assistance Program, H&W Dept.....Ch.328 - 686

PUBLIC ASSISTANCE (Continued) Chapter - Page
Veterans Services Program, approp.....Ch.339 - 715
Welfare Division, approp.....Ch.339 - 715
WIC Program, food purchases, sales tax exempt.....Ch.335 - 707
Veterans Services Center, approp.....Ch.339 - 715
PUBLIC BROADCASTING
Approp.....Ch.267 - 559
PUBLIC EMPLOYEES
See EMPLOYEES AND EMPLOYMENT
PUBLIC EMPLOYEES RETIREMENT SYSTEM
See RETIREMENT
PUBLIC UTILITIES
See UTILITIES
PUBLIC UTILITIES COMMISSION
See UTILITIES
PUBLIC WORKS
Buildings, state, lease-purchase agreements.....Ch.314 - 657
Contractors License Bd, approp.....Ch.153 - 303
Contractors License Bd, approp, additional '87.....Ch. 35 - 59
Contractors License Bd, compensation increased.....Ch. 55 - 91
Division, approp.....Ch.245 - 505
Division, approp, capitol building repairs.....Ch. 16 - 20
Division, approp, contingency fund.....Ch.343 - 730
Division, approp, maintenance projects.....Ch.343 - 730
Division, approp, maintenance projects.....Ch.358 - 791
Industrial Administration Building, renovation.....SCR120 - 823
Land surveyors, licensing exemptions.....Ch. 71 - 140
Prison facilities construction, authorized.....SCR109 - 819
Projects, design-build construction.....Ch.283 - 593
PUBLICATIONS
Abandoned property list.....Ch. 10 - 14
Timber sales.....Ch. 63 - 114
PURCHASING
Division, approp.....Ch.245 - 505
Port dist, competitive bids increased.....Ch. 83 - 157
State, group discount participation allowed.....Ch.325 - 681
Timber, state-owned, cash deposit.....Ch.354 - 786
RAILROADS
Property, value apportionment, tax purposes.....Ch. 34 - 57
REAL ESTATE
Acquired for debts, banks, allowed.....Ch.165 - 325
Comm, approp.....Ch.153 - 303
Licensure, brokers/salesmen, nonresident.....Ch.193 - 398
RECORDERS
County, fees, certain, increased.....Ch. 29 - 37
RECORDS
Law enforcement, disclosure.....Ch.224 - 477
Public, disclosure.....Ch.224 - 477
RECREATIONAL VEHICLES
All-terrain, registration, exempt, certain uses.....Ch.194 - 404
Motorcycles, registration, exempt, certain uses.....Ch.194 - 404
REPORTS
Campaign contributions, requirements.....Ch.344 - 731

REPORTS (Continued) Chapter - Page
Campaign, expenditures, requirements.....Ch.344 - 731
Distributor's, motor fuels tax, requirements.....Ch.209 - 442
RESEARCH
Forest Utilization, Program, approp.....Ch.248 - 508
RESOLUTIONS, CONCURRENT
Alzheimers disease, victims/families, assistance.....SCR106 - 817
Bills, legislative, printing contract.....HCR3 - 830
Contractor licensing/lien laws, leg study comm.....HCR26 - 845
Education, Bd, teacher certification, term.....HCR22 - 844
Educational Support Program, legislative study.....HCR14 - 839
Governor's Budget Address.....HCR2 - 829
Idaho Hazardous Waste Management Plan adopted.....SCR104 - 803
Indian affairs issues, legislative study comm.....HCR7 - 835
Industrial Administration Building, renovation.....SCR120 - 823
Juvenile justice system, legislative study comm.....HCR25 - 844
Medicaid program, legislative study comm.....HCR6 - 835
Medical insurance cost/retirees, leg study comm.....SCR116 - 822
Medical insurance premiums, state retirees.....SCR115 - 822
Parks, state, resident preference, reservations.....HCR12 - 838
Pollution/antidegradation policy.....SCR121 - 824
Prison facilities construction, authorized.....SCR109 - 819
Revenue projections FY86-87.....HCR5 - 834
Revenue projections FY87-88.....HCR4 - 833
School teachers, minimum salary recommended.....SCR124 - 828
Session laws, printing contract.....HCR16 - 840
State employees, pay policies.....HCR15 - 839
State of State Message.....HCR1 - 829
Streamflow, minimum, Big Wood River.....HCR8 - 837
Streamflow, minimum, Henry's Fork River.....SCR114 - 821
Streamflow, minimum, Silver Creek.....HCR9 - 837
U.S. Constitution, 200th anniversary noted.....SCR123 - 827
Vietnam Veterans Memorial established.....SCR101 - 803
Water Plan, State, revised 1986.....SCR108 - 818
Weiser River Galloway project, activated.....SCR122 - 826
Western States Forestry Task Force, continuation.....HCR18 - 843
RESOLUTIONS, JOINT
Congressional salaries, proposed ratification.....SJR105 - 801
Lotteries, authorized, as provided by law.....HJR3 - 801
RESORTS
Ski, x-country facility, liquor by the drink license....Ch. 32 - 53
RETIREMENT
Actuarial funding period, decreased.....Ch.348 - 763
Fund, judges, no deductions after 20 years.....Ch.107 - 219
Incentive Plan established.....Ch.346 - 735
Medical insurance cost, legislative study comm.....SCR116 - 822
Police, Fund, bd members, elections.....Ch. 73 - 143
Public Employees, Acct, approp, if shortfall.....Ch.360 - 794
Public employees, approp.....Ch.235 - 492
Public employees, eligibility.....Ch.164 - 322
State employees, medical insurance premiums.....SCR115 - 822
REVENUE
Bonds, junior/community college, dist, issue.....Ch.264 - 556

REVENUE (Continued) Chapter - Page
Projections FY86-87.....HCR5 - 834
Projections FY87-88.....HCR4 - 833
State, distribution.....Ch.260 - 545
REVENUE AND TAXATION
See REVENUE, TAX AND TAXATION
RIVERS
Streamflow, minimum, Big Wood River.....HCR8 - 837
Streamflow, minimum, Henry's Fork.....SCR114 - 821
Streamflow, minimum, Silver Creek.....HCR9 - 837
Weiser River Galloway project, activated.....SCR122 - 826
ROADS
County highway dist, bid work/state hwy, prohibited.....Ch.303 - 643
Speed limits, increased, designated highways.....Ch.280 - 590
RULES
Agriculture, Dept, violations, penalties.....Ch.187 - 369
Personnel Comm, employee probationary period.....Ch. 99 - 194
SAFETY
Bureaus, approp.....Ch.241 - 498
Dam, defined, state regulated.....Ch. 98 - 192
Dam, Program, liability, exceptions provided.....Ch.225 - 477
SALARIES
Congressional, proposed ratification.....SJR105 - 801
PUC commissioners, annual, established.....Ch. 60 - 108
State employees, pay policies.....HCR15 - 839
Tax Comm, members, annual established.....Ch.113 - 227
Teachers, minimum, recommended.....SCR124 - 828
SALES
Beer, hours extended, county option.....Ch.110 - 222
Beer, "premises", defined.....Ch.200 - 421
Beer, 6 a.m. hour established.....Ch.351 - 780
Drug, conviction, teaching contract revoked.....Ch.229 - 485
Land, state, installment basis, allowed.....Ch. 95 - 187
Liquor, "premises", defined.....Ch.200 - 421
Livestock, income tax deductions, capital gains.....Ch.324 - 680
Timber, advertising time.....Ch. 63 - 114
Timber, income tax deductions, capital gains.....Ch.324 - 680
Timber, state lands, advertising time.....Ch. 63 - 114
SCHOOL DISTRICTS
Bonds, sale, notice, publication period.....Ch. 51 - 84
Educational Support Program, calculation, ADA.....Ch.101 - 200
Educational Support Program, calculation, property.....Ch. 52 - 85
Educational Support Program, contribution.....Ch. 66 - 116
Educational Support Program, property value decline.....Ch.123 - 251
Electors, registered, list supplied.....Ch.256 - 519
Instructional materials, public inspection.....Ch. 25 - 34
Levies, supplemental, 2 year limit.....Ch.273 - 566
Teachers, minimum salary, recommended.....SCR124 - 828
Trustees, Bd, vacancy appointments.....Ch.141 - 282
SCHOOLS
Approp.....Ch.355 - 787
Deaf & Blind, approp.....Ch.251 - 514
Deaf & Blind, approp, bond payment.....Ch.343 - 730

SCHOOLS (Continued) Chapter - Page
Deaf & Blind, approp, bond payment.....Ch.358 - 791
Educational Support Program, calculation, ADA.....Ch.101 - 200
Educational Support Program, dist contribution.....Ch. 66 - 116
Educational Support Program, property value decline.....Ch.123 - 251
Elections, absentee voting, deadline.....Ch.179 - 355
Elections, voter registration required.....Ch.256 - 519
Electors, H194 amended.....Ch.252 - 514
Instructional materials, public inspection.....Ch. 25 - 34
Public, Income Fund, approp.....Ch.355 - 787
Public, retirement, social security, unemployment.....Ch.355 - 787
Public, transport bids, code citation correction.....Ch. 9 - 13
Teachers, certificate fees, increased.....Ch.255 - 518
SEARCH WARRANTS
Judge may sign.....Ch.321 - 676
SECRETARY OF STATE
Approp.....Ch.199 - 419
SECURITIES
Interests, farm products, clarified.....Ch.284 - 596
Law violation, administrative penalty.....Ch.120 - 234
Solicitation permit, Blue Sky Law ref corrected.....Ch. 81 - 154
SEEDS
Pure, Law, definition, clarification, expansion.....Ch.188 - 369
SELF-GOVERNING AGENCIES
Approp.....Ch.153 - 303
Approp, Agricultural Commodity Comm.....Ch.236 - 492
Pharmacy Bd, approp, additional '87.....Ch. 35 - 59
Public Works Contractors License Bd, approp, addl.....Ch. 35 - 59
Public Works Contractors License Bd, comp increase.....Ch. 55 - 91
SENIOR CITIZENS
Aging, Office on, approp.....Ch.333 - 706
SESSION LAWS
Printing contract.....HCR16 - 840
SEX
Abuse, child under 16, definition expanded.....Ch.178 - 354
Exploitation, child, penalty, increased.....Ch.177 - 352
SHEEP
See LIVESTOCK
SHERIFFS
County, prisoners, employment.....Ch.182 - 361
SHORTHAND REPORTERS
Bd, approp.....Ch.153 - 303
Certification, suspension/revocation, when.....Ch. 72 - 141
Fees increased.....Ch. 72 - 141
SKI RESORTS
See RESORTS
SKIING
Cross-country, facility, liquor by the drink license....Ch. 32 - 53
Cross-country, parking permits.....Ch.181 - 358
SMOKING
Buses, no smoking allowed, except charters.....Ch.183 - 362
SPEED LIMITS
See HIGHWAYS, MOTOR VEHICLES

SPORTS Chapter - Page
U.S. Olympic Acct, contributions, state income tax.....Ch.337 - 709
U.S. Olympic Acct, reestablished.....Ch. 6 - 6
SPRAYERS AND DUSTERS
Pesticide applicators, licensing, clarified.....Ch.104 - 214
Pesticide applicators, licensing, requirements.....Ch.299 - 635
STAMPS
Commemorative series, centennial celebration.....HJM4 - 854
Migratory waterfowl, issuance.....Ch.173 - 339
STATE HOSPITAL NORTH
See HOSPITALS
STATE HOSPITAL SOUTH
See HOSPITALS
STATE SCHOOL AND HOSPITAL
See HOSPITALS
STATEHOUSE
See CAPITOL
STREAMS
See RIVERS
STREETS
See ROADS
STUDENTS
WAMI/WICHE/etc, resident requirement changed.....Ch. 50 - 81
STUDIES
Contractor licensing/lien laws, legislative comm.....HCR26 - 845
Educational Support Program, legislative comm.....HCR14 - 839
Indian affairs issues, legislative comm.....HCR7 - 835
Insurance premium tax, legislative comm.....Ch.340 - 720
Juvenile justice system, legislative comm.....HCR25 - 844
Medicaid program, legislative comm.....HCR6 - 835
Medical insurance cost/retirees, legislative comm.....SCR116 - 822
SUBDIVISIONS
Monuments, exterior, setting, conditions.....Ch.227 - 482
Monuments, interior, setting, conditions.....Ch.227 - 482
SURVEYING AND SURVEYORS
Land, licensing exemptions.....Ch. 71 - 140
SWIMMING
Pools, life jacket, flotation device, use.....Ch. 37 - 60
TATTOOS
Wolves, held in captivity, required.....Ch.323 - 678
TAX AND TAXATION
Appeals Bd, approp.....Ch.268 - 560
Assessment ceiling, products scale, increased.....Ch.196 - 408
Assessments, local improvement dists.....Ch.126 - 256
Cigarette, increase, revenue distribution.....Ch.254 - 517
Comm, State, approp.....Ch.342 - 725
Comm, State, approp.....Ch.268 - 560
Comm, State, members, annual salary established.....Ch.113 - 227
Dist, special, dissolution.....Ch. 87 - 165
Fuels, gasohol defined, tax purposes.....Ch. 82 - 155
Fuels, special, return required.....Ch. 89 - 168
Inheritance, fair market value, time limit provided.....Ch. 90 - 169
Insurance premiums, legislative study comm.....Ch.340 - 720

TAX AND TAXATION (Continued) Chapter - Page
Insurance premiums, rates increased.....Ch.340 - 720
Levy, Mint Comm.....Ch.285 - 605
Levy, potatoes, increased.....Ch.128 - 259
Refund, U.S. Olympic Acct, reestablished.....Ch. 6 - 6
Revenues, distribution.....Ch.260 - 545
State, determination/collection.....Ch. 86 - 161
State, liquor by the drink, transfer.....Ch. 86 - 161
Yield, forest products, no budget cap.....Ch.205 - 431
TAX AND TAXATION, INCOME
Agricultural loan interest, no deductions.....Ch.290 - 615
Corporate, part-year, clarification.....Ch.149 - 295
Corporate, quarterly reporting, required.....Ch.342 - 725
Credit, claims, 3 year limit.....Ch. 33 - 54
Credit, contributions, educational institutions.....Ch.304 - 644
Credit, contributions, libraries.....Ch.304 - 644
Credit, contributions, library dist.....Ch.304 - 644
Deductions, capital gains, certain.....Ch.324 - 680
Deductions, claims, 3 year limit.....Ch. 33 - 54
Individual, schedule, rates/brackets.....Ch.342 - 725
Internal Revenue Code, 1986, adopted.....Ch. 93 - 176
Investment tax credit, extend through 1987.....Ch.319 - 671
Nonresidents, clarification.....Ch.149 - 295
Nonresidents, income amount.....Ch.315 - 658
Partnerships, multi-state, clarification.....Ch.149 - 295
Part-year residents, clarification.....Ch.149 - 295
Part-year residents, income amount.....Ch.315 - 658
Refunds, donations, special accts.....Ch.337 - 709
Special fuels permit holder, returns/reporting.....Ch.298 - 634
TAX AND TAXATION, PROPERTY
Ad valorem tax purposes, definition clarified.....Ch.287 - 608
Audit period for payment, clarified.....Ch.138 - 271
Auditorium dist, taxing power, abolished.....Ch. 70 - 129
Circuit breaker tax payment, county, 2 installments.....Ch. 92 - 173
Income tax deductions, capital gains.....Ch.324 - 680
Levies, school dist, supplemental, 2 year limit.....Ch.273 - 566
Railroad, value apportionment.....Ch. 34 - 57
TAX AND TAXATION, SALES
Exemptions, aircraft, clarified.....Ch.326 - 682
Exemptions, custom farming, clarified.....Ch.326 - 682
Exemptions, food stamps.....Ch.335 - 707
Exemptions, food stamps.....Ch.336 - 708
Exemptions, various, clarified.....Ch. 18 - 23
Increase to 5%, permanent.....Ch. 31 - 47
Mail order items.....HJM5 - 855
TEACHERS
Certificate fees, increased.....Ch.255 - 518
Contract, revoked, drug sale conviction.....Ch.229 - 485
Education, Bd, teacher certification, term.....HCR22 - 844
Salary, minimum, recommended.....SCR124 - 828
TELEPHONES
Pen registers, trap/trace device, use.....Ch.215 - 460
Recording, decoding devices, use.....Ch.215 - 460

TELEPHONES (Continued) Chapter - Page
Telecommunications Assistance Program, H&W Dept.....Ch.328 - 686
TELEVISION
Cable, definitions for ad valorem tax purposes.....Ch.287 - 608
TERRORISTS AND TERRORISM
Control Act established.....Ch.318 - 669
TEXTBOOKS
Instructional materials, public inspection.....Ch. 25 - 34
THEFT
Livestock, punishment clarified.....Ch. 84 - 158
THERAPISTS AND THERAPY
Occupational, licensure.....Ch. 69 - 123
TIMBER
See FORESTS AND FORESTRY
TORTS
Reform, provisions.....Ch.278 - 571
TRANSPORTATION
Bids, public schools, code citation correction.....Ch. 9 - 13
Dept, approp.....Ch.233 - 489
Dept, approp, additional '87.....Ch. 45 - 73
Dept, approp, aeronautics.....Ch.233 - 489
Dept, approp, highways.....Ch.233 - 489
Dept, approp, Traffic Safety Comm Acct.....Ch.233 - 489
Dept, hwy, improvements, limited to funds available.....Ch.130 - 261
Dept, issue & repossess license plates.....Ch.190 - 382
Radioactive materials, Pacific States Agreement.....Ch. 57 - 101
TRANSPORTERS
Hazardous waste permits, clarified.....Ch.345 - 733
Radioactive materials, Pacific States Agreement.....Ch. 57 - 101
TREASURER
State, approp.....Ch.154 - 305
State, approp, additional '87.....Ch. 47 - 75
TRESPASSING
Lands, certain, prohibited.....Ch.116 - 229
TRUST DEEDS
Foreclosure, notice/sale, provisions.....Ch.166 - 326
Foreclosure, recording request, provisions.....Ch.166 - 326
Security, credit union loans.....Ch.139 - 272
TRUSTS
Business, charter, state university, exemptions.....Ch.305 - 645
Childrens, Acct, contributions, state income tax.....Ch.337 - 709
F&G, Acct, contributions, state income tax.....Ch.337 - 709
Tax, income, schedule, rates/brackets.....Ch.342 - 725
UNEMPLOYMENT
Benefits, eligibility, additional conditions.....Ch.352 - 780
Benefits, rate schedules, formula provided.....Ch.317 - 666
UNIFORM COMMERCIAL CODE
Centralized, approp.....Ch.199 - 419
UNIFORM LAWS
Comm, approp.....Ch.199 - 419
UNIVERSITIES
See COLLEGES AND UNIVERSITIES

URBAN RENEWAL Chapter - Page
Agency, additional authority provided.....Ch.259 - 536
Agency, commissioners, number.....Ch.276 - 568
Projects, revenue allocation financing.....Ch.258 - 524
UTILITIES
Public, definitions for ad valorem tax purposes.....Ch.287 - 608
PUC, approp.....Ch.240 - 497
PUC, approp, additional '87.....Ch. 42 - 71
PUC commissioners, annual salary, established.....Ch. 60 - 108
VEHICLES
See MOTOR VEHICLES, RECREATIONAL VEHICLES
VETERANS
Home, approp, domicilairy remodel.....Ch.343 - 730
Services Program, approp.....Ch.339 - 715
Vietnam, official memorial established.....SCR101 - 803
VETERINARY MEDICINE
Bd, approp.....Ch.153 - 303
WOI, Program, Bd of Regents, approp.....Ch.272 - 565
VICTIMS
Crime, Compensation Act, fines, provided.....Ch.137 - 270
Crime, criminally injurious conduct, clarified.....Ch.226 - 479
VIETNAM
Veterans, official memorial established.....SCR101 - 803
VOCATIONAL EDUCATION
Approp.....Ch.309 - 649
ISU, approp, Industrial-Vocational Arts Renovation.....Ch.358 - 791
VOCATIONAL REHABILITATION
Approp.....Ch.306 - 646
Approp, supplemental.....Ch. 44 - 72
Federal Act Amendments 1986, accepted.....Ch. 4 - 4
VOTERS
Absentee ballots, application, filed, when.....Ch.167 - 327
Registration, cancelled, armed forces member.....Ch. 20 - 27
School elections, registration required.....Ch.256 - 519
School plant facility reserve fund, requirements.....Ch.256 - 519
VOTING
Absentee ballots, application, filed, when.....Ch.167 - 327
Candidates, one office at a time.....Ch.313 - 656
Polls open 8AM by ordinance.....Ch. 2 - 3
School elections, absentee, deadline.....Ch.179 - 355
WAREHOUSES
Bonded, letter of credit.....Ch.143 - 284
Bonded, two or more locations.....Ch.143 - 284
WARRANTS
Search, judge may sign.....Ch.321 - 676
WASHINGTON
State, "border war" moratorium, asked.....SJM106 - 851
WASTES
Hazardous, disposal facility site, licensing.....Ch.103 - 207
Hazardous, research/development, requirements.....Ch.102 - 204
Hazardous, transportation, civil enforce action.....Ch.105 - 216
Hazardous, transportation, Pacific States Agreement.....Ch. 57 - 101
Hazardous, trip permits, clarified.....Ch.345 - 733

WASTES (Continued) Chapter - Page
Idaho Hazardous Waste Management Plan adopted.....SCR104 - 803
PCB, Disposal Act 1987, created.....Ch.198 - 411
Solid, changes in status, major waste generators.....Ch.213 - 454
Solid, disposal, definitions provided.....Ch.213 - 454
Solid, project, minimize amount, counties.....Ch.213 - 454
WATER
Excess/surplus, cities, sell.....Ch.206 - 433
Geothermal & ground, differentiate.....Ch.347 - 741
Ground, Management Dists, created.....Ch.349 - 764
Ground, pumping level, pressure values, consider.....Ch.347 - 741
Pollution Control Acct, loans.....Ch.174 - 342
Pollution/antidegradation policy.....SCR121 - 824
Quality Program, approp.....Ch.339 - 715
Right examiners, licensure, fees.....Ch. 97 - 192
Rights, adjudication, final decree.....Ch.158 - 308
State, Plan, revised 1986.....SCR108 - 818
Streamflow, minimum, Big Wood River.....HCR8 - 837
Streamflow, minimum, Henry's Fork River.....SCR114 - 821
Streamflow, minimum, Silver Creek.....HCR9 - 837
Watermasters, bonding of.....Ch.112 - 225
WATER RESOURCES
Bd, State Water Plan, 1986, revised.....SCR108 - 818
Bd, streamflow, minimum, Big Wood River.....HCR8 - 837
Bd, streamflow, minimum, Henry's Fork River.....SCR114 - 821
Bd, streamflow, minimum, Silver Creek.....HCR9 - 837
Dept, approp.....Ch.249 - 508
Dept, water right examiners, licensure, fees.....Ch. 97 - 192
Director, ground water pump level, consideration.....Ch.347 - 741
Ground Water Management Dists, created.....Ch.349 - 764
Ground water, pump level, pressure value, consider.....Ch.347 - 741
Pollution/antidegradation policy.....SCR121 - 824
WATERMASTERS
Bonding of.....Ch.112 - 225
WEEDS
Noxious, control programs.....Ch.331 - 690
WELFARE
See PUBLIC ASSISTANCE
WHEAT
See AGRICULTURE
WICHE
Medical Education Program, Education, Bd, approp.....Ch.308 - 648
WILDLIFE
Upland game habitat improvement, F&G, Dept, approp.....Ch.286 - 607
Imported, game animals, tests, Agriculture Dept.....Ch.211 - 444
Predator control, no interference.....Ch.288 - 609
Wolves, captive, records/tattoos, required.....Ch.323 - 678
WINE
Age to drink and serve.....Ch.212 - 448
Retailers, samples.....Ch.169 - 330
Sales, domestic produced, sale.....Ch.169 - 330
WOLVES
See WILDLIFE

WOMEN Chapter - Page
Correction institution, approp.....Ch.266 - 557
WORKMEN'S COMPENSATION
Benefits, burial expenses.....Ch. 49 - 78
Claims, Asbestosis/Beryllosis.....Ch.108 - 220
ZONING
See PLANNING AND ZONING

TABLE OF AMENDMENTS, REPEALS, ADDITIONS AND REFERENCES

TO THE SECTIONS OF THE IDAHO CODE BY THE 1987 SESSION LAWS

Code citation, action, bill number and session law chapter number is shown of bills which passed

FIRST REGULAR SESSION - FORTY-NINTH LEGISLATURE

		Chapter - Page
TITLE 1		
1-2004	Amended	Ch.107 - 220
TITLE 2		
2-218	Amended	Ch. 65 - 116
TITLE 5		
5-335	New Section Added	Ch.278 - 581
5-336	New Section Added	Ch.278 - 582
5-518	New Section Added	Ch. 36 - 60
TITLE 6		
6-210	Amended	Ch.257 - 522
6-610A	New Section Added	Ch.175 - 348
6-801	Amended	Ch.278 - 577
6-802	Amended	Ch.278 - 577
6-803	Amended	Ch.278 - 578
6-804	Amended	Ch.278 - 578
6-807	New Section Added	Ch.278 - 579
6-902	Referred to	Ch.331 - 705
6-904	Amended	Ch.106 - 218
6-904	Amended	Ch.361 - 800
6-1601	New Section Added	Ch.278 - 572
6-1602	New Section Added	Ch.278 - 573
6-1603	New Section Added	Ch.278 - 575
6-1604	New Section Added	Ch.278 - 576
6-1605	New Section Added	Ch.278 - 576
TITLE 9		
9-335	Effective date extended	Ch.224 - 477
TITLE 12		
12-120	Amended	Ch.204 - 431
12-121	Amended	Ch.263 - 555
12-123	New Section Added	Ch.278 - 580
12-301	New Section Added	Ch.278 - 582
12-302	New Section Added	Ch.278 - 583
12-303	New Section Added	Ch.278 - 583
TITLE 14		
14-404	Amended	Ch. 90 - 170
14-418	Amended	Ch. 90 - 171
14-425	Amended	Ch.260 - 560
14-518	Amended	Ch. 10 - 14
14-542	New Section Added	Ch.115 - 228

		Chapter - Page
TITLE 15		
15-3-201	Referred to	Ch.260 - 546
15-5-601	Amended	Ch.320 - 673
15-5-602	Amended	Ch.320 - 673
15-5-603	Amended	Ch.320 - 675
TITLE 16		
16-1806A	Referred to	Ch.216 - 465
16-1814	Amended	Ch.257 - 522
16-2005	Amended	Ch.207 - 436
16-2007	Amended	Ch.207 - 437
16-2008	Amended	Ch.207 - 438
16-2009	Amended	Ch.207 - 439
TITLE 18		
18-207	Referred to	Ch. 59 - 105
18-209	Referred to	Ch. 59 - 105
18-211	Amended	Ch. 40 - 67
18-212	Amended	Ch. 40 - 69
18-213	Referred to	Ch. 59 - 105
18-214	Referenced	Ch. 59 - 107
18-214	Referred to	Ch. 59 - 105
18-805	New Section Added	Ch.230 - 487
Ch.15	Referred to	Ch. 56 - 96,97
18-1502	Amended	Ch.212 - 449
18-1506	Amended	Ch.178 - 354
18-1507	Amended	Ch.177 - 352
18-1507A	New Section Added	Ch.177 - 354
18-2402	Rererred to	Ch.257 - 522
18-2407	Amended	Ch. 84 - 158
18-2408	Amended	Ch. 84 - 159
18-4506	New Section Added	Ch. 88 - 168
18-4901	Amended	Ch.316 - 664
18-5801	New Section Added	Ch. 37 - 60
Ch.61	Referred to	Ch. 56 - 96
Ch.66	Referred to	Ch. 56 - 97
18-6719	New Section Added	Ch.215 - 461
18-6720	New Section Added	Ch.215 - 461
18-6721	New Section Added	Ch.215 - 462
18-6722	New Section Added	Ch.215 - 462
18-6723	New Section Added	Ch.215 - 463
18-6724	New Section Added	Ch.215 - 464
18-6725	New Section Added	Ch.215 - 464
18-7036	New Section Added	Ch.274 - 567
18-7903	Amended	Ch.275 - 568
18-8002	Amended	Ch.132 - 263
18-8002	Amended	Ch.220 - 469
18-8002	Amended	Ch.122 - 248
18-8004	Amended	Ch.122 - 249
18-8004	Referred to	Ch.226 - 480
18-8007	New Section Added	Ch.208 - 440
18-8101	New Section Added	Ch.318 - 669
18-8102	New Section Added	Ch.318 - 670
18-8103	New Section Added	Ch.318 - 670
18-8104	New Section Added	Ch.318 - 670

TITLE 18 (Continued)		Chapter - Page
18-8105	New Section Added	Ch.318 - 671
TITLE 19		
19-610	Amended	Ch.117 - 231
19-701A	Amended	Ch. 85 - 160
19-2126	Amended	Ch.145 - 290
19-3941	Amended	Ch.157 - 307
19-4401	Amended	Ch.321 - 676
19-4402	Amended	Ch.321 - 676
19-4404	Repealed	Ch.321 - 677
19-4405	Repealed	Ch.321 - 677
19-4809	Amended	Ch.216 - 465
19-5109	Amended	Ch.180 - 357
Ch.53	Referred to	Ch. 89 - 168
19-5305	Referred to	Ch.257 - 524
TITLE 20		
20-225	Effective date extended	Ch.266 - 557
20-614	Amended	Ch.182 - 361
TITLE 21		
21-805	Referred to	Ch. 94 - 186
21-806	Referred to	Ch. 94 - 186
21-809	Referred to	Ch. 94 - 186
TITLE 22		
22-202	Amended	Ch.184 - 363
22-414	Amended	Ch.188 - 370
22-415	Amended	Ch.188 - 373
22-416	Amended	Ch.188 - 376
22-417	Amended	Ch.188 - 378
22-418	Amended	Ch.188 - 378
22-419	Repealed	Ch.188 - 380
22-419	New Section Added	Ch.188 - 380
22-420	Amended	Ch.188 - 380
22-421	Amended	Ch.188 - 381
22-421A	New Section Added	Ch.188 - 381
22-1211	Amended	Ch.128 - 259
22-1303	Amended	Ch. 17 - 21
22-1304	Amended	Ch. 17 - 22
22-1901	Amended	Ch.187 - 369
22-2440	Amended	Ch.331 - 691
22-2441	Amended	Ch.331 - 691
22-2442	Amended	Ch.331 - 692
22-2443	Amended	Ch.331 - 693
22-2443A	Amended	Ch.331 - 694
22-2444	Amended	Ch.331 - 697
22-2446	Amended	Ch.331 - 700
22-2447	Amended	Ch.331 - 700
22-2448	Repealed	Ch.331 - 700
22-2450	Amended	Ch.331 - 701
22-2451	Amended	Ch.331 - 701
22-2452	Amended	Ch.331 - 702
22-2453	Amended	Ch.331 - 702
22-2454	Amended	Ch.331 - 702
22-2455	Amended	Ch.331 - 703

TITLE 22 (Continued)		Chapter - Page
22-2456	Amended	Ch.331 - 703
22-2457	Amended	Ch.331 - 704
22-2461	New Section Added	Ch.331 - 704
22-2462	Amended	Ch.331 - 704
22-2517	Repealed	Ch. 96 - 188
22-2517	New Section Added	Ch. 96 - 188
22-2518	Amended	Ch. 96 - 188
22-2519	Repealed	Ch. 96 - 189
22-2519	New Section Added	Ch. 96 - 189
22-2520	Repealed	Ch. 96 - 189
22-2520	New Section Added	Ch. 96 - 189
22-2521	Repealed	Ch. 96 - 189
22-2521	New Section Added	Ch. 96 - 190
22-2522	Repealed	Ch. 96 - 189
22-2523	Amended	Ch. 96 - 190
22-2524	Amended	Ch. 96 - 190
22-2525	Amended	Ch. 96 - 190
22-2526	Amended	Ch. 96 - 190
22-2527	Repealed	Ch. 96 - 191
22-2528	Repealed	Ch. 96 - 191
22-2529	Amended	Ch. 96 - 191
22-2530	Amended	Ch. 96 - 191
22-2531	Repealed	Ch. 96 - 191
22-2533	Repealed	Ch. 96 - 191
22-2534	Repealed	Ch. 96 - 191
22-2537	Repealed	Ch. 96 - 191
22-3404	Amended	Ch.104 - 214
22-3404	Amended	Ch.299 - 635
22-3610	Amended	Ch.300 - 638
22-3613	Amended	Ch.300 - 638
22-3806	Amended	Ch.285 - 605
TITLE 23		
23-312	Amended	Ch.212 - 449
23-404	Referred to	Ch. 94 - 186
23-603	Amended	Ch.212 - 450
23-612	Amended	Ch.212 - 450
23-613	New Section Added	Ch.212 - 454
23-903a	Amended	Ch. 32 - 53
23-903b	Amended	Ch. 32 - 54
23-927	Amended	Ch.110 - 222
23-929	Amended	Ch.212 - 450
23-934A	Amended	Ch. 58 - 104
23-934B	Amended	Ch. 58 - 104
23-943	Amended	Ch.212 - 450
23-944	Amended	Ch.212 - 451
23-945	Amended	Ch.212 - 451
23-949	Amended	Ch.212 - 452
23-950	Amended	Ch. 86 - 164
23-952	New Section Added	Ch. 32 - 54
23-1001	Amended	Ch.200 - 421
23-1003	Amended	Ch. 22 - 29
23-1007	Amended	Ch. 22 - 30

TITLE 23 (Continued)		Chapter - Page
23-1008	Amended	Ch.260 - 547
23-1012	Amended	Ch.110 - 223
23-1012	Amended	Ch.351 - 780
23-1013	Amended	Ch.212 - 452
23-1014	Repealed	Ch. 91 - 172
23-1014	New Section Added	Ch. 91 - 173
23-1016	Amended	Ch. 12 - 16
23-1023	Amended	Ch.212 - 452
23-1024	Amended	Ch.212 - 452
23-1025	Amended	Ch.212 - 453
23-1033	Amended	Ch. 22 - 30
23-1303	Amended	Ch.169 - 330
23-1306	Amended	Ch.169 - 331
23-1307	Amended	Ch.169 - 332
23-1308A	Amended	Ch.169 - 332
23-1328	Amended	Ch.169 - 333
23-1332	Amended	Ch.169 - 333
23-1334	Amended	Ch.212 - 453
TITLE 25		
25-210	Amended	Ch.211 - 445
25-1106A	Amended	Ch. 61 - 109
25-1117	Repealed	Ch.284 - 596
25-1205	Amended	Ch. 61 - 110
25-1207	Amended	Ch. 61 - 110
25-1208	Amended	Ch. 61 - 111
25-1402	Amended	Ch. 61 - 111
25-1402A	Amended	Ch. 61 - 112
25-2501	New Section Added	Ch.214 - 457
25-2502	New Section Added	Ch.214 - 458
25-2503	New Section Added	Ch.214 - 458
25-2504	New Section Added	Ch.214 - 458
25-2505	New Section Added	Ch.214 - 459
25-2506	New Section Added	Ch.214 - 459
25-2507	New Section Added	Ch.214 - 460
25-2508	New Section Added	Ch.214 - 460
25-2509	New Section Added	Ch.214 - 460
25-2717	Amended	Ch.129 - 260
TITLE 26		
26-213	Amended	Ch.293 - 623
26-711	Amended	Ch.165 - 325
26-1008	Amended	Ch. 76 - 147
26-1302	Amended	Ch.305 - 645
26-2108	Amended	Ch. 80 - 152
26-2119	Amended	Ch.139 - 272
26-2222	Amended	Ch.295 - 630
26-2223A	Amended	Ch.297 - 633
26-2232	Amended	Ch.296 - 632
26-2232	Amended	Ch.301 - 639
26-2240	Amended	Ch.295 - 631
26-2603	Amended	Ch.294 - 625
26-2605	Amended	Ch.294 - 627
26-2607	Amended	Ch.294 - 628

		Chapter - Page
TITLE 26 (Continued)		
26-2612	Amended	Ch.294 - 629
TITLE 28		
28-9-109	Amended	Ch.284 - 597
28-9-110	Amended	Ch.284 - 597
28-9-307	Amended	Ch.284 - 597
28-9-401A	Amended	Ch.284 - 598
28-9-402	Amended	Ch.284 - 599
28-9-403	Amended	Ch.284 - 602
28-9-404	Amended	Ch.284 - 604
28-11-101	New Section Added	Ch.127 - 257
28-11-102	New Section Added	Ch.127 - 258
28-11-103	New Section Added	Ch.127 - 258
28-11-104	New Section Added	Ch.127 - 258
28-11-105	New Section Added	Ch.127 - 259
28-11-106	New Section Added	Ch.127 - 259
28-22-104	Amended	Ch.278 - 579
28-22-104	Referred to	Ch.164 - 324
TITLE 30		
30-1-5	Amended	Ch.221 - 471
30-1-54	Amended	Ch.221 - 473
30-1309A	Amended	Ch.191 - 389
30-1403A	Amended	Ch.120 - 234
30-1413	Amended	Ch.120 - 235
30-1416	Amended	Ch.120 - 236
30-1431	Amended	Ch.120 - 236
30-1434	Amended	Ch.120 - 237
30-1434A	Repealed	Ch.120 - 240
30-1437	Amended	Ch.120 - 240
30-1441	Amended	Ch.120 - 241
30-1442	Amended	Ch.120 - 241
30-1446	Amended	Ch.120 - 242
30-1451	Amended	Ch.120 - 243
30-1459	Repealed	Ch.120 - 243
30-1460	Repealed	Ch.120 - 243
30-1461	Repealed	Ch.120 - 243
30-1462	Repealed	Ch.120 - 243
TITLE 31		
31-715	Amended	Ch. 15 - 19
31-808	Referred to	Ch. 94 - 186
31-873	New Section Added	Ch.170 - 334
31-3205	Amended	Ch. 29 - 38
31-3506	Referred to	Ch.170 - 335
31-4401	Amended	Ch.213 - 454
31-4401A	New Section Added	Ch.213 - 455
31-4407A	New Section Added	Ch.213 - 455
TITLE 32		
32-713A	New Section Added	Ch. 68 - 122
TITLE 33		
33-101	Referred to	Ch. 94 - 186
33-107	Amended	Ch. 48 - 76
33-107	Referred to	Ch. 94 - 186
33-405	Amended	Ch.256 - 519

TITLE 33 (Continued)		Chapter - Page
33-406	Amended	Ch.179 - 355
33-504	Amended	Ch.141 - 282
33-512A	Amended	Ch. 25 - 34
33-601	Referred to	Ch. 94 - 186
33-802	Amended	Ch. 52 - 85
33-802	Amended	Ch.273 - 566
33-802	Referred to	Ch.258 - 535
33-804	Amended	Ch.256 - 520
33-1002	Amended	Ch. 52 - 86
33-1002	Amended	Ch. 66 - 116
33-1002	Amended	Ch.101 - 200
33-1002	Referred to	Ch.258 - 535
33-1003	Amended	Ch.123 - 251
33-1111	Amended	Ch. 51 - 84
33-1205	Amended	Ch.255 - 519
33-1208	Amended	Ch.229 - 486
33-1252	Referred to	Ch. 94 - 186
33-1510	Amended	Ch. 9 - 14
33-2101 thru 33-2144	Referred to	Ch. 94 - 186
33-2101A	New Section Added	Ch. 94 - 186
33-2102	Amended	Ch. 48 - 77
33-2113	Amended	Ch.264 - 556
33-2141	Amended	Ch.142 - 283
33-2211	Referred to	Ch. 94 - 186
33-2301	Amended	Ch. 4 - 4
33-2722C	Amended	Ch.201 - 422
33-3505	Amended	Ch.223 - 475
33-3716	Referred to	Ch. 94 - 186
33-3717	Amended	Ch. 50 - 81
33-3717	Referred to	Ch. 94 - 186
Ch.38	Referred to	Ch.264 - 556
33-4001 thru 33-4006	Referred to	Ch. 94 - 186
33-4006	Repealed	Ch. 39 - 67
33-4201	Referred to	Ch. 94 - 186
33-4306	Referred to	Ch. 94 - 186
33-4315	Referred to	Ch. 94 - 186
TITLE 34		
34-404	Amended	Ch.256 - 520
34-420	Amended	Ch. 20 - 27
34-437B	New Section Added	Ch.256 - 520
34-440	Amended	Ch. 19 - 26
34-501	Amended	Ch.262 - 553
34-625	Amended	Ch. 75 - 147
34-708A	Amended	Ch.262 - 555
34-903	Amended	Ch.313 - 656
34-1002	Amended	Ch.167 - 328
TITLE 36		
36-104	Amended	Ch.159 - 312
36-106	Amended	Ch.211 - 446
36-408	Amended	Ch.322 - 677

TITLE 36 (Continued)		Chapter - Page
36-409	Amended	Ch.253 - 515
36-414	New Section Added	Ch.173 - 339
36-501	Amended	Ch.203 - 429
36-712	New Section Added	Ch.323 - 679
36-713	New Section Added	Ch.323 - 679
36-714	New Section Added	Ch.323 - 679
36-1402	Amended	Ch.176 - 349
36-1402	Amended	Ch.261 - 552
36-1404	Amended	Ch.176 - 351
36-1510	New Section Added	Ch.288 - 609
36-1602	Amended	Ch.116 - 229
36-1603	Amended	Ch.116 - 230
36-2003	Amended	Ch.197 - 410
TITLE 37		
37-334a	Amended	Ch. 7 - 8
37-334b	Repealed	Ch. 7 - 9
37-334b	New Section Added	Ch. 7 - 10
37-334c	Amended	Ch. 7 - 10
37-334d	New Section Added	Ch. 7 - 10
37-334e	New Section Added	Ch. 7 - 11
37-334f	New Section Added	Ch. 7 - 11
37-335	Amended	Ch. 7 - 12
37-338	Amended	Ch. 7 - 12
37-1523A	Amended	Ch. 21 - 27
37-2701	Referred to	Ch.230 - 486
37-2705	Amended	Ch. 38 - 61
37-2707	Amended	Ch. 38 - 64
TITLE 38		
38-111	Amended	Ch.192 - 391
38-122	Amended	Ch.192 - 392
38-123	Amended	Ch.192 - 393
38-134	New Section Added	Ch.192 - 395
38-135	New Section Added	Ch.250 - 513
38-301	Repealed	Ch. 64 - 115
38-302	Repealed	Ch. 64 - 115
38-303	Repealed	Ch. 64 - 115
38-304	Repealed	Ch. 64 - 115
38-305	Repealed	Ch. 64 - 115
38-306	Repealed	Ch. 64 - 115
38-307	Repealed	Ch. 64 - 115
38-308	Repealed	Ch. 64 - 115
38-309	Repealed	Ch. 64 - 115
38-310	Repealed	Ch. 64 - 115
38-311	Repealed	Ch. 64 - 115
38-312	Repealed	Ch. 64 - 115
38-407	Amended	Ch.192 - 395
38-408	Amended	Ch.192 - 395
38-601	Amended	Ch.192 - 396
38-602	Amended	Ch.192 - 397
38-603	Amended and Redesignated 38-608	Ch.192 - 398
38-603	New Section Added	Ch.192 - 397
38-604	New Section Added	Ch.192 - 398

TITLE 38 (Continued)		Chapter - Page
38-605	New Section Added	Ch.192 - 398
38-606	New Section Added	Ch.192 - 398
38-607	New Section Added	Ch.192 - 398
38-608	Redesignated from 38-603	Ch.192 - 398
38-1209	Amended	Ch.196 - 409
38-1310	Referred to	Ch.192 - 396
38-1313	New Section Added	Ch.281 - 592
TITLE 39		
39-106	Amended	Ch.223 - 476
39-115	Amended	Ch.135 - 269
39-115	Amended	Ch.198 - 418
39-118A	New Section Added	Ch.356 - 789
39-146A	New Section Added	Ch.133 - 266
39-301	Amended	Ch.289 - 610
39-302	Amended	Ch.289 - 610
39-303	Amended	Ch.289 - 611
39-304	Amended	Ch.289 - 612
39-306	Amended	Ch.289 - 612
39-307	Amended	Ch.289 - 613
39-307A	Amended	Ch.289 - 613
39-308	Amended	Ch.289 - 615
39-310	Amended	Ch.289 - 615
39-606	Amended	Ch.222 - 475
39-1101	New Section Added	Ch. 56 - 92
39-1102	New Section Added	Ch. 56 - 93
39-1103	New Section Added	Ch. 56 - 93
39-1104	New Section Added	Ch. 56 - 94
39-1105	New Section Added	Ch. 56 - 94
39-1106	New Section Added	Ch. 56 - 94
39-1107	New Section Added	Ch. 56 - 94
39-1108	New Section Added	Ch. 56 - 95
39-1109	New Section Added	Ch. 56 - 95
39-1110	New Section Added	Ch. 56 - 95
39-1111	New Section Added	Ch. 56 - 96
39-1112	New Section Added	Ch. 56 - 96
39-1113	New Section Added	Ch. 56 - 96
39-1114	New Section Added	Ch. 56 - 96
39-1115	New Section Added	Ch. 56 - 97
39-1116	New Section Added	Ch. 56 - 97
39-1117	New Section Added	Ch. 56 - 97
39-1209	Amended	Ch. 56 - 98
39-1211	Amended	Ch. 56 - 99
39-1224	Amended	Ch. 56 - 99
39-3029	New Section Added	Ch. 57 - 101
39-3601	Amended	Ch.174 - 343
39-3603	Amended	Ch.174 - 343
39-3604	Amended	Ch.174 - 344
39-3605	Amended	Ch.174 - 346
39-3605B	New Section Added	Ch.174 - 347
39-3606	Amended	Ch.174 - 347
39-3606B	Amended	Ch.174 - 347
Chapter 37	Heading Amended	Ch.148 - 295

TITLE 39 (Continued) Chapter - Page
39-3702 Amended ..... Ch.148 - 295
39-4409 Amended ..... Ch.102 - 204
39-4409 Referred to ..... Ch.103 - 208,213
39-4702 Amended ..... Ch. 56 - 99
39-5510 New Section Added ..... Ch.183 - 362
39-5802 Amended ..... Ch.103 - 207
39-5812 Amended ..... Ch.103 - 208
39-5813 Amended ..... Ch.103 - 209
39-5814 Amended ..... Ch.103 - 210
39-5815 Repealed ..... Ch.103 - 210
39-6007 Amended ..... Ch.337 - 711
39-6201 New Section Added ..... Ch.198 - 411
39-6202 New Section Added ..... Ch.198 - 411
39-6203 New Section Added ..... Ch.198 - 412
39-6204 New Section Added ..... Ch.198 - 413
39-6205 New Section Added ..... Ch.198 - 413
39-6206 New Section Added ..... Ch.198 - 413
39-6207 New Section Added ..... Ch.198 - 414
39-6208 New Section Added ..... Ch.198 - 414
39-6209 New Section Added ..... Ch.198 - 414
39-6210 New Section Added ..... Ch.198 - 415
39-6211 New Section Added ..... Ch.198 - 417
39-6212 New Section Added ..... Ch.198 - 417
39-6213 New Section Added ..... Ch.198 - 417
39-6214 New Section Added ..... Ch.198 - 418
39-6215 New Section Added ..... Ch.198 - 418
39-6216 New Section Added ..... Ch.198 - 418
TITLE 40
40-201 Amended ..... Ch.130 - 261
Ch.3 Referred to ..... Ch.303 - 644
40-903 Repealed ..... Ch.303 - 644
40-903 New Section Added ..... Ch.303 - 644
40-904 Repealed ..... Ch.303 - 644
40-905 Repealed ..... Ch.303 - 644
40-907 Amended ..... Ch. 79 - 149
40-908 Amended ..... Ch. 79 - 150
40-909 Amended ..... Ch. 79 - 150
40-910 Amended ..... Ch. 79 - 150
40-911 Amended ..... Ch. 79 - 151
40-912 Amended ..... Ch. 79 - 151
40-913 Amended ..... Ch. 79 - 151
40-914 Repealed ..... Ch. 79 - 152
40-915 Repealed ..... Ch. 79 - 152
40-1317 Amended ..... Ch.131 - 262
40-1416 Amended ..... Ch.125 - 255
40-1416 Referred to ..... Ch.134 - 267
40-1801 thru
40-1809 Referred to ..... Ch. 87 - 165
TITLE 41
41-106 Amended ..... Ch.302 - 643
41-108 Amended ..... Ch.302 - 643
41-316 Amended ..... Ch.291 - 616

TITLE 41 (Continued) Chapter - Page

41-336A	Amended	Ch.278 - 587
41-342	New Section Added	Ch.302 - 641
41-343	New Section Added	Ch.302 - 642
41-344	New Section Added	Ch.302 - 642
41-402	Amended	Ch.340 - 720
41-402A	New Section Added	Ch.340 - 722
41-403	Amended	Ch.340 - 722
41-403A	New Section Added	Ch.340 - 723
41-406	Amended	Ch.340 - 723
41-1046	Amended	Ch.121 - 244
41-1077	Amended	Ch.121 - 246
41-1329	Amended	Ch.278 - 583
41-1329A	New Section Added	Ch.278 - 584
41-1815	Amended	Ch.278 - 584
41-2401	Amended	Ch.278 - 585
41-2806	Amended	Ch. 81 - 154
41-3001	Repealed	Ch. 78 - 149
41-3005	Repealed	Ch. 78 - 149
41-3006	Repealed	Ch. 78 - 149
41-3007	Repealed	Ch. 78 - 149
41-3008	Repealed	Ch. 78 - 149
41-3009	Repealed	Ch. 78 - 149
41-3010	Repealed	Ch. 78 - 149
41-3011	Repealed	Ch. 78 - 149
41-3012	Repealed	Ch. 78 - 149
41-3013	Repealed	Ch. 78 - 149
41-3015	Repealed	Ch. 78 - 149
41-3016	Repealed	Ch. 78 - 149
41-3017	Repealed	Ch. 78 - 149
41-3018	Repealed	Ch. 78 - 149
41-3019	Repealed	Ch. 78 - 149
41-3021	Repealed	Ch. 78 - 149
41-3022	Repealed	Ch. 78 - 149
41-3023	Repealed	Ch. 78 - 149
41-3024	Repealed	Ch. 78 - 149
41-3025	Repealed	Ch. 78 - 149
41-3026	Repealed	Ch. 78 - 149
41-3027	Repealed	Ch. 78 - 149
41-3028	Repealed	Ch. 78 - 149
41-3029	Repealed	Ch. 78 - 149
41-3030	Repealed	Ch. 78 - 149
41-3031	Repealed	Ch. 78 - 149
41-3032	Repealed	Ch. 78 - 149
41-3033	Repealed	Ch. 78 - 149
41-3034	Repealed	Ch. 78 - 149
41-3035	Repealed	Ch. 78 - 149
41-3036	Repealed	Ch. 78 - 149
41-3037	Repealed	Ch. 78 - 149
41-3038	Repealed	Ch. 78 - 149
41-3039	Repealed	Ch. 78 - 149
41-3040	Repealed	Ch. 78 - 149
41-3041	Repealed	Ch. 78 - 149

TITLE 41 (Continued)		Chapter - Page
41-3042	Repealed	Ch. 78 - 149
41-3043	Repealed	Ch. 78 - 149
41-3044	Repealed	Ch. 78 - 149
41-3045	Repealed	Ch. 78 - 149
41-3046	Repealed	Ch. 78 - 149
41-3047	Repealed	Ch. 78 - 149
41-3605	Amended	Ch.124 - 254
41-4302	Amended	Ch.292 - 618
41-4308	Amended	Ch.292 - 618
41-4312	Amended	Ch.292 - 621
41-4801	New Section Added	Ch.140 - 274
41-4802	New Section Added	Ch.140 - 275
41-4803	New Section Added	Ch.140 - 275
41-4804	New Section Added	Ch.140 - 277
41-4805	New Section Added	Ch.140 - 278
41-4806	New Section Added	Ch.140 - 280
41-4807	New Section Added	Ch.140 - 280
41-4808	New Section Added	Ch.140 - 280
41-4809	New Section Added	Ch.140 - 280
41-4810	New Section Added	Ch.140 - 281
41-4811	New Section Added	Ch.140 - 281
41-4812	New Section Added	Ch.140 - 281
41-4813	New Section Added	Ch.140 - 281
41-4814	New Section Added	Ch.140 - 282
41-4815	New Section Added	Ch.140 - 282
TITLE 42		
Ch.2	Referred to	Ch.349 - 765
42-217a	New Section Added	Ch. 97 - 192
42-222	Referred to	Ch.206 - 434
42-226	Amended	Ch.347 - 742
42-230	Amended	Ch.347 - 743
42-233	New Section Added	Ch.347 - 744
42-235	New Section Added	Ch.347 - 745
42-237a	Amended	Ch.347 - 745
42-237g	Amended	Ch.347 - 747
42-237h	New Section Added	Ch.347 - 747
42-238	Amended	Ch.347 - 748
42-238a	Amended	Ch.158 - 311
42-238b	New Section Added	Ch.347 - 752
42-605	Amended	Ch.112 - 225
Ch.14	Referred to	Ch.349 - 765
42-1412	Amended	Ch.158 - 308
42-1417	Amended	Ch.158 - 310
42-1601	Amended	Ch.347 - 753
42-1604	Amended	Ch.347 - 754
42-1605	Amended	Ch.347 - 754
42-1607	New Section Added	Ch.347 - 756
42-1711	Amended	Ch. 98 - 192
42-1717	Amended	Ch.225 - 477
42-4002	Amended	Ch.347 - 757
42-4003	Amended	Ch.347 - 758
42-4005	Amended	Ch.347 - 760

TITLE 42 (Continued)		Chapter - Page
42-4010	Amended	Ch.347 - 762
42-5101	New Section Added	Ch.349 - 765
42-5102	New Section Added	Ch.349 - 765
42-5103	New Section Added	Ch.349 - 766
42-5104	New Section Added	Ch.349 - 766
42-5105	New Section Added	Ch.349 - 767
42-5106	New Section Added	Ch.349 - 767
42-5107	New Section Added	Ch.349 - 767
42-5108	New Section Added	Ch.349 - 767
42-5109	New Section Added	Ch.349 - 768
42-5110	New Section Added	Ch.349 - 768
42-5111	New Section Added	Ch.349 - 768
42-5112	New Section Added	Ch.349 - 769
42-5113	New Section Added	Ch.349 - 770
42-5114	New Section Added	Ch.349 - 771
42-5115	New Section Added	Ch.349 - 771
42-5116	New Section Added	Ch.349 - 773
42-5117	New Section Added	Ch.349 - 774
42-5118	New Section Added	Ch.349 - 774
42-5119	New Section Added	Ch.349 - 774
42-5120	New Section Added	Ch.349 - 775
42-5121	New Section Added	Ch.349 - 775
42-5122	New Section Added	Ch.349 - 775
42-5123	New Section Added	Ch.349 - 776
42-5124	New Section Added	Ch.349 - 776
42-5125	New Section Added	Ch.349 - 776
42-5126	New Section Added	Ch.349 - 777
42-5127	New Section Added	Ch.349 - 777
42-5128	New Section Added	Ch.349 - 778
42-5129	New Section Added	Ch.349 - 778
42-5130	New Section Added	Ch.349 - 779
42-5131	New Section Added	Ch.349 - 779
42-5132	New Section Added	Ch.349 - 779
TITLE 43		
43-406	Referred to	Ch.349 - 773
43-407	Referred to	Ch.349 - 773
43-712 thru 43-726	Referred to	Ch.349 - 776
43-1808	Referred to	Ch.349 - 774
TITLE 45		
45-1506A	Amended	Ch.166 - 327
TITLE 46		
46-111	Amended	Ch.330 - 690
46-314	Referred to	Ch. 94 - 186
TITLE 48		
48-801	Amended	Ch. 67 - 121
TITLE 49		
49-101	Amended	Ch.190 - 383
49-107	Amended	Ch.134 - 266
49-108	Amended	Ch.194 - 404
49-113	Amended	Ch.185 - 364
49-117	Amended	Ch.190 - 386

TITLE 49 (Continued)		Chapter - Page
49-126	Amended	Ch.190 - 387
49-126	Amended	Ch.185 - 366
49-126	Amended	Ch.361 - 796
49-127	Amended	Ch.361 - 797
49-147	Amended	Ch.134 - 268
49-213	Referred to	Ch.125 - 256
49-217	Referred to	Ch.125 - 256
49-218	Amended	Ch.146 - 290
49-218	Referred to	Ch.125 - 256
49-219	New Section Added	Ch.118 - 231
49-228	Referred to	Ch.125 - 256
49-231	Referred to	Ch.125 - 256
49-231A	Referred to	Ch.125 - 256
49-236	New Section Added	Ch.361 - 795
49-301	Amended	Ch.279 - 589
49-312	Amended	Ch.133 - 264
49-313	Referred to	Ch.257 - 522
49-318	Amended	Ch.186 - 368
49-347	Repealed	Ch.279 - 590
49-405	Amended	Ch.195 - 405
49-591	Amended	Ch.189 - 382
49-681	Amended	Ch.280 - 590
49-682	Amended	Ch.280 - 591
49-695	Referred to	Ch.125 - 256
49-830A	New Section Added	Ch.150 - 301
49-1001	Referred to	Ch.226 - 480
49-1001	Repealed	Ch.208 - 441
49-1002	Amended	Ch.208 - 441
49-1003	Amended	Ch.208 - 441
49-2204	Amended	Ch.334 - 707
49-2409	Amended	Ch.109 - 221
49-2504	Amended	Ch.345 - 734
49-2505	Amended	Ch.345 - 734
49-2509	Amended	Ch.105 - 217
49-2511	Amended	Ch.105 - 217
49-3104	Amended	Ch.181 - 359
49-3107	Amended	Ch.181 - 360
49-3402	Amended	Ch.134 - 268
49-3406	Amended	Ch.134 - 268
TITLE 50		
50-209	Amended	Ch. 85 - 160
50-210	Amended	Ch. 24 - 33
50-341	Amended	Ch.161 - 316
50-453	Amended	Ch. 2 - 3
50-1003	Amended	Ch.172 - 338
50-1006	Amended	Ch.171 - 337
50-1010	Amended	Ch. 13 - 18
50-1013	Amended	Ch.162 - 318
50-1030	Amended	Ch.206 - 433
50-1043 thru 50-1049	Referred to	Ch.335 - 708

TITLE 50 (Continued)		Chapter - Page
50-1043 thru 50-1049	Referred to	Ch.336 - 708
50-1331	New Section Added	Ch.227 - 482
50-1332	New Section Added	Ch.227 - 482
50-1333	New Section Added	Ch.227 - 482
50-1405	Referred to	Ch. 94 - 186
50-1504	Amended	Ch. 73 - 144
50-1703A	New Section Added	Ch. 26 - 35
50-1721	Referred to	Ch. 94 - 186
50-1721A	New Section Added	Ch.126 - 256
50-2006	Amended	Ch.276 - 568
50-2007	Amended	Ch.259 - 536
50-2011	Amended	Ch.259 - 538
50-2015	Amended	Ch.259 - 540
50-2018	Amended	Ch.258 - 525
50-2018	Amended	Ch.259 - 542
50-2019	New Section Added	Ch.258 - 528
50-2020	New Section Added	Ch.258 - 529
50-2021	New Section Added	Ch.258 - 529
50-2022	New Section Added	Ch.258 - 530
50-2023	New Section Added	Ch.258 - 530
50-2024	New Section Added	Ch.258 - 531
50-2025	New Section Added	Ch.258 - 531
50-2026	New Section Added	Ch.258 - 532
50-2027	New Section Added	Ch.258 - 533
50-2028	New Section Added	Ch.258 - 534
50-2029	New Section Added	Ch.258 - 534
50-2030	New Section Added	Ch.258 - 535
50-2030	New Section Added	Ch.259 - 545
50-2031	New Section Added	Ch.258 - 535
50-2103	Amended	Ch.136 - 270
TITLE 54		
54-605	Amended	Ch.119 - 232
54-606	Amended	Ch.119 - 233
54-607	Amended	Ch.119 - 233
54-705	Amended	Ch.144 - 286
54-710	Amended	Ch.144 - 288
54-711	Amended	Ch.144 - 288
54-712	Amended	Ch.144 - 289
54-901	Amended	Ch. 30 - 39
54-903	Repealed	Ch. 30 - 39
54-903	New Section Added	Ch. 30 - 40
54-904	Repealed	Ch. 30 - 39
54-904	New Section Added	Ch. 30 - 41
54-905	Amended	Ch. 30 - 41
54-906	Amended	Ch. 30 - 41
54-913	Amended	Ch. 30 - 42
54-920	Amended	Ch. 30 - 42
54-924	Amended	Ch. 30 - 44
54-934	Amended	Ch. 30 - 46
54-1501	Amended	Ch.210 - 443
54-1903	Amended	Ch. 71 - 140

TITLE 54 (Continued)		Chapter - Page
54-1908	Amended	Ch. 55 - 91
54-2029	Amended	Ch.193 - 399
54-2029	Referred to	Ch. 94 - 186
54-2031	Amended	Ch.193 - 402
54-2033A	Amended	Ch.193 - 402
54-2040	Amended	Ch.193 - 403
54-2203	Amended	Ch. 46 - 74
54-2213	Amended	Ch. 46 - 74
54-2302	Amended	Ch.147 - 292
54-2305	Amended	Ch.147 - 293
54-2313	Amended	Ch.147 - 294
54-2315	Amended	Ch.147 - 294
54-2501	Amended	Ch.316 - 661
54-2502	Amended	Ch.316 - 661
54-2503	Amended	Ch.316 - 661
54-2509	Amended	Ch.316 - 665
54-2510	Amended	Ch.316 - 662
54-2513	Amended	Ch.282 - 592
54-2513	Amended	Ch.316 - 662
54-3108	Amended	Ch. 72 - 141
54-3109	Amended	Ch. 72 - 142
54-3110	Amended	Ch. 72 - 143
54-3112	Amended	Ch. 72 - 143
54-3701	New Section Added	Ch. 69 - 123
54-3702	New Section Added	Ch. 69 - 124
54-3703	New Section Added	Ch. 69 - 124
54-3704	New Section Added	Ch. 69 - 124
54-3705	New Section Added	Ch. 69 - 125
54-3706	New Section Added	Ch. 69 - 125
54-3707	New Section Added	Ch. 69 - 126
54-3708	New Section Added	Ch. 69 - 126
54-3709	New Section Added	Ch. 69 - 126
54-3710	New Section Added	Ch. 69 - 126
54-3711	New Section Added	Ch. 69 - 127
54-3712	New Section Added	Ch. 69 - 127
54-3713	New Section Added	Ch. 69 - 127
54-3714	New Section Added	Ch. 69 - 128
54-3715	New Section Added	Ch. 69 - 129
54-3716	New Section Added	Ch. 69 - 129
54-3717	New Section Added	Ch. 69 - 129
TITLE 55		
55-818	New Section Added	Ch.353 - 786
55-910	Repealed	Ch.202 - 423
55-910	New Section Added	Ch.202 - 423
55-911	Repealed	Ch.202 - 423
55-911	New Section Added	Ch.202 - 425
55-912	Repealed	Ch.202 - 423
55-912	New Section Added	Ch.202 - 425
55-913	Repealed	Ch.202 - 423
55-913	New Section Added	Ch.202 - 425
55-914	Repealed	Ch.202 - 423
55-914	New Section Added	Ch.202 - 426

TITLE 55 (Continued)		Chapter - Page
55-915	Repealed	Ch.202 - 423
55-915	New Section Added	Ch.202 - 426
55-916	Repealed	Ch.202 - 423
55-916	New Section Added	Ch.202 - 427
55-917	Repealed	Ch.202 - 423
55-917	New Section Added	Ch.202 - 427
55-918	Repealed	Ch.202 - 423
55-918	New Section Added	Ch.202 - 428
55-919	Repealed	Ch.202 - 423
55-919	New Section Added	Ch.202 - 428
55-920	Repealed	Ch.202 - 423
55-920	New Section Added	Ch.202 - 428
55-921	Repealed	Ch.202 - 423
55-921	New Section Added	Ch.202 - 429
55-922	Repealed	Ch.202 - 423
TITLE 56		
56-209d	New Section Added	Ch.170 - 336
56-221	Referred to	Ch.170 - 335
56-222	Referred to	Ch.170 - 335
56-460	New Section Added	Ch.170 - 336
56-901	New Section Added	Ch.328 - 686
56-902	New Section Added	Ch.328 - 687
56-903	New Section Added	Ch.328 - 687
56-904	New Section Added	Ch.328 - 687
56-905	New Section Added	Ch.328 - 688
TITLE 57		
57-813	Referred to	Ch.171 - 337
57-815	Referred to	Ch.238 - 495
57-816	New Section Added	Ch.337 - 712
57-817	New Section Added	Ch.337 - 712
57-1105A	Referred to	Ch. 94 - 186
57-1702	Amended	Ch.339 - 719
TITLE 58		
58-304	Amended	Ch. 62 - 114
58-307	Amended	Ch.111 - 224
58-317	Amended	Ch. 95 - 187
58-406	Amended	Ch. 63 - 115
58-412	Amended	Ch.354 - 787
TITLE 59		
59-801 thru 59-804	Referred to	Ch.112 - 226
59-1302	Amended	Ch.346 - 735
59-1309	Amended	Ch.164 - 322
59-1310	Amended	Ch.164 - 323
59-1310A	New Section Added	Ch.346 - 739
59-1314	Amended	Ch.164 - 324
59-1330	Amended	Ch.348 - 763
59-1332	Amended	Ch.164 - 324
59-1332B	Referred to	Ch. 94 - 186
59-1336	Referred to	Ch. 94 - 186
59-1338	Repealed	Ch.164 - 325
59-1340	Referred to	Ch. 94 - 186

TITLE 59 (Continued)		Chapter - Page
59-1342	Repealed	Ch.164 - 325
59-1603	Amended	Ch.228 - 484
TITLE 60		
60-109	Referred to	Ch.103 - 212
TITLE 61		
61-215	New Section Added	Ch. 60 - 108
TITLE 63		
63-113	Amended	Ch.287 - 608
63-114A	Amended	Ch.287 - 608
63-124	Amended	Ch. 92 - 173
63-202	Referred to	Ch.258 - 534
63-508	Amended	Ch.113 - 227
63-621	Referred to	Ch. 94 - 186
63-621 thru 63-626	Referred to	Ch.258 - 534
63-707	Amended	Ch. 34 - 57
63-923	Referred to	Ch. 52 - 86
63-923	Referred to	Ch.258 - 535
63-923	Referred to	Ch.331 - 702
63-1102	Amended	Ch.138 - 271
63-1706	Amended	Ch.205 - 432
63-2220	Referred to	Ch. 52 - 86
63-2220	Referred to	Ch.123 - 253
63-2220	Referred to	Ch.258 - 535
63-2220	Referred to	Ch.331 - 702
63-2401	Amended	Ch. 82 - 155
63-2407	Amended	Ch.209 - 442
63-2439	Amended	Ch. 89 - 169
63-2439	Amended	Ch.298 - 634
63-2506	Amended	Ch.254 - 517
63-2520	Amended	Ch.254 - 517
63-2522	New Section Added	Ch.254 - 518
63-2601 thru 63-2626	Enacted, Initiative No. 1	861
63-2702	Amended	Ch.260 - 548
63-2702A	New Section Added	Ch.260 - 548
63-3004	Amended	Ch. 93 - 177
63-3022	Amended	Ch. 93 - 177
63-3022	Amended	Ch.149 - 295
63-3022G	Repealed	Ch.290 - 615
63-3022H	New Section Added	Ch.324 - 680
63-3024	Amended	Ch. 93 - 181
63-3024	Amended	Ch.342 - 726
63-3024A	Amended	Ch. 93 - 182
63-3024B	Repealed	Ch. 93 - 184
63-3025	Amended	Ch.342 - 727
63-3025A	Amended	Ch.342 - 727
63-3027A	Amended	Ch.149 - 300
63-3029A	Amended	Ch.304 - 644
63-3029B	Amended	Ch.319 - 671
63-3029E	Referred to	Ch.324 - 680
63-3030	Amended	Ch. 93 - 184

TITLE 63 (Continued)		Chapter - Page
63-3030	Amended	Ch.315 - 658
63-3035	Amended	Ch. 33 - 55
63-3036A	New Section Added	Ch.342 - 728
63-3045A	Amended	Ch. 86 - 162
63-3046A	New Section Added	Ch.342 - 729
63-3051	Amended	Ch. 86 - 162
63-3052	Repealed	Ch. 86 - 163
63-3064	Amended	Ch. 86 - 163
63-3065	Amended	Ch. 86 - 163
63-3067	Amended	Ch. 6 - 6
63-3067	Amended	Ch.260 - 549
63-3067	Amended	Ch.337 - 710
63-3067A	Repealed	Ch.337 - 710
63-3067A	New Section Added	Ch.337 - 711
63-3067B	Amended	Ch.260 - 550
63-3067B	Repealed	Ch.337 - 710
63-3067C	Repealed	Ch.337 - 710
63-3067D	Amended	Ch.260 - 550
63-3067D	Repealed	Ch.337 - 710
63-3067E	New Section Added	Ch. 6 - 7
63-3067E	Repealed	Ch.337 - 710
63-3603	Amended	Ch.326 - 682
63-3619	Amended	Ch. 31 - 48
63-3621	Amended	Ch. 31 - 48
63-3622	Repealed	Ch. 18 - 24
63-3622C	Amended	Ch. 18 - 25
63-3622D	Amended	Ch.326 - 682
63-3622L	Amended	Ch. 18 - 24
63-3622O	Amended	Ch. 18 - 25
63-3622R	Amended	Ch. 18 - 24
63-3622R	Amended	Ch.326 - 683
63-3622S	Amended	Ch.326 - 684
63-3622T	Amended	Ch.326 - 684
63-3622X	Amended	Ch.326 - 685
63-3622Z	New Section Added	Ch. 18 - 24
63-3622EE	New Section Added	Ch.335 - 708
63-3622FF	New Section Added	Ch.336 - 708
63-3638	Amended	Ch. 31 - 50
63-3638	Amended	Ch. 92 - 174
63-3638	Referred to	Ch.170 - 335
63-3638A	Amended	Ch.260 - 551
63-3640	Repealed	Ch. 31 - 47
63-3640A	Repealed	Ch. 31 - 47
63-4101	New Section Added	Ch. 87 - 165
63-4102	New Section Added	Ch. 87 - 165
63-4103	New Section Added	Ch. 87 - 165
63-4104	New Section Added	Ch. 87 - 165
63-4105	New Section Added	Ch. 87 - 166
63-4106	New Section Added	Ch. 87 - 167
TITLE 66		
66-337	Amended	Ch. 59 - 106
66-402	Referred to	Ch. 40 - 68

TITLE 66 (Continued)		Chapter - Page
66-404	Referred to	Ch. 40 - 69
66-405	Referred to	Ch. 40 - 70
TITLE 67		
67-455	Amended	Ch.311 - 653
67-513	Referred to	Ch. 59 - 105
67-808c	Amended	Ch. 11 - 16
67-1210	Referred to	Ch.171 - 337
Ch.23	Referred to	Ch.303 - 644
67-2301	Amended	Ch. 14 - 19
67-2309	Amended	Ch.283 - 595
67-2320	Referred to	Ch. 94 - 186
67-2322	Referred to	Ch. 94 - 186
67-2349	Amended	Ch.350 - 779
67-4238	New Section Added	Ch.160 - 315
67-4907	Amended	Ch. 70 - 130
67-4909	Amended	Ch. 70 - 132
67-4912	Amended	Ch. 70 - 133
67-4913	Amended	Ch. 70 - 134
67-4914	Amended	Ch. 70 - 134
67-4915	Amended	Ch. 70 - 135
67-4916	Amended	Ch. 70 - 135
67-4917	Amended	Ch. 70 - 136
67-4917A	Amended	Ch. 70 - 136
67-4917B	Amended	Ch. 70 - 136
67-4918	Amended	Ch. 70 - 136
67-4920	Amended	Ch. 70 - 137
67-4921	Amended	Ch. 70 - 137
67-4922	Amended	Ch. 70 - 137
67-4922A	Amended	Ch. 70 - 138
67-4923	Amended	Ch. 70 - 138
67-4924	Amended	Ch. 70 - 139
67-4925	Amended	Ch. 70 - 139
67-4929	Amended	Ch. 70 - 139
67-5303	Referred to	Ch.228 - 484
67-5309	Amended	Ch. 99 - 195
67-5309A	New Section Added	Ch.327 - 685
67-5309C	Referred to	Ch. 94 - 186
67-5311	Amended	Ch.168 - 329
67-5315	Amended	Ch.100 - 198
67-5332	Referred to	Ch. 94 - 186
67-5402	Amended	Ch. 74 - 145
67-5405	Amended	Ch. 74 - 145
67-5409	Amended	Ch. 74 - 146
67-5412	Amended	Ch. 74 - 146
67-5708	Amended	Ch.314 - 657
67-5711	Referred to	Ch.244 - 505
67-5711A	New Section Added	Ch.283 - 595
67-5727A	New Section Added	Ch.325 - 681
67-6511	Amended	Ch.329 - 688
67-6605	Amended	Ch.344 - 732
67-6607	Amended	Ch.344 - 732
67-7201	New Section Added	Ch.163 - 320

TITLE 67 (Continued)		Chapter - Page
67-7202	New Section Added	Ch.163 - 320
67-7203	New Section Added	Ch.163 - 321
67-7204	New Section Added	Ch.163 - 321
67-7205	New Section Added	Ch.163 - 321
67-7206	New Section Added	Ch.163 - 321
TITLE 69		
69-208	Amended	Ch.143 - 284
69-211	Amended	Ch.143 - 285
TITLE 70		
70-1612	Amended	Ch. 83 - 157
TITLE 72		
72-102	Amended	Ch. 49 - 78
72-311	Amended	Ch.278 - 587
72-409	Referred to	Ch.278 - 576
72-448	Amended	Ch.108 - 220
72-1003	Amended	Ch.226 - 480
72-1007	Amended	Ch.226 - 481
72-1024	Amended	Ch.226 - 481
72-1025	Amended	Ch.137 - 270
72-1333	Amended	Ch.312 - 654
72-1346	Referred to	Ch. 8 - 13
72-1348	Referred to	Ch. 8 - 13
72-1350	Amended	Ch.317 - 666
72-1366	Amended	Ch.352 - 781
72-1367	Amended	Ch.317 - 668
TITLE 73		
73-108A	New Section Added	Ch. 1 - 3
73-205	Amended	Ch.114 - 227

IDAHO CONSTITUTION

Article I, Sec. 11	Referred to	Ch.318 - 670
Article I, Sec. 17	Referred to	Ch.198 - 415
Article III, Sec. 20	Amendment Proposed	HJR3 - 801

UNITED STATES CONSTITUTION

Proposed Amendment	Ratified (Compensation)	SJR105 - 801

LAWS OF 1977

Ch.13, Sec. 2	Referred to	Ch. 59 - 106

LAWS OF 1982

Ch. 368	Referred to	Ch. 59 - 105

LAWS OF 1984

Ch. 119 Sec. 1	Referred to	Ch. 18 - 23
Ch. 187 Sec. 2	Repealed	Ch.266 - 559
Ch. 195 Sec. 37	Referred to	Ch. 18 - 23

LAWS OF 1984 (Continued)

		Chapter - Page
Ch. 239	Referred to	Ch. 18 - 23
Ch. 287 Sec. 4	Referred to	Ch. 18 - 23

LAWS OF 1986

Ch. 30 Sec. 13	Referred to	Ch. 18 - 23
Ch. 72 Sec. 1	Referred to	Ch. 35 - 59
Ch. 120 Sec. 1	Referred to	Ch. 18 - 23
Ch. 155 Sec. 2	Referred to	Ch. 42 - 71
Ch. 156 Sec. 1	Referred to	Ch. 23 - 33
Ch. 159 Sec. 2	Referred to	Ch. 45 - 73
Ch. 164 Sec. 2	Referred to	Ch. 41 - 70
Ch. 180 Sec. 1	Referred to	Ch. 18 - 23
Ch. 210 Sec. 2	Amended	Ch.224 - 477
Ch. 227 Sec. 2	Amended	Ch.309 - 649
Ch. 229 Sec. 2	Referred to	Ch. 5 - 5
Ch. 250 Sec. 2	Referred to	Ch. 54 - 91
Ch. 263 Sec. 2	Amended	Ch. 44 - 72
Ch. 277 Sec. 3	Referred to	Ch. 53 - 90
Ch. 279 Sec. 2	Referred to	Ch. 43 - 72
Ch. 280 Sec. 2	Referred to	Ch. 3 - 4
Ch. 280 Sec. 2	Referred to	Ch. 77 - 148
Ch. 283 Sec. 1	Referred to	Ch. 28 - 37
Ch. 283 Sec. 1	Referred to	Ch. 27 - 36
Ch. 338	Reconciliation (S1490)	Ch.284 - 596
Ch. 347 Sec. 1	Referred to	Ch. 47 - 75

LAWS OF 1987

Ch. 6, Sec. 1	Amended (Sec. 63-3067)	Ch.260 - 549
Ch. 6, Sec. 2	Repealed (Sec. 63-3067E)	Ch.337 - 710
Ch. 18, Sec. 5	Amended (H24)	Ch.326 - 683
Ch. 256, Sec. 5	Repealed (H194)	Ch.252 - 515

RULES

Idaho Rules of Civil Procedure		
Rule 55(b)(2)	Referred to	Ch.278 - 582
Rule 68	Referred to	Ch.278 - 583

FEDERAL LAWS AND PROGRAMS

Child Nutrition Act of 1966	Referred to	Ch.335 - 707
Code of Federal Regulations:		
21 CFR 1308.12(f)	Referred to	Ch. 38 - 66
40CFR	Referred to	Ch.345 - 734
49CFR	Referred to	Ch.345 - 734
49CFR Part 173	Referred to	Ch. 57 - 102

FEDERAL LAWS AND PROGRAM (Continued)

		Chapter - Page
Food Security Act of 1985		
P.L.99-198, Sec.1505	Referred to	Ch.336 - 709
Food Stamp Act of 1977	Referred to	Ch.336 - 709
Internal Revenue Code:		
Sec. 2(a) and (b)	Referred to	Ch. 93 - 182
Sec. 40	Referred to	Ch. 93 - 181
Sec. 49	Referred to	Ch.319 - 672
Sec. 151(c)	Referred to	Ch. 93 - 182
Sec. 6501	Referred to	Ch. 90 - 171
Sec. 7703	Referred to	Ch. 93 - 184
Tax Reform Act of 1986	Referred to	Ch. 93 - 177,186
Meat Import Act	Referred to	SJM102 - 848
Nuclear Waste Policy Act of 1982	Referred to	Ch. 57 - 102
Pacific Northwest Electric Power Planning & Conservation Act		
16 U.S.C., Sec. 839	Referred to	SCR122 - 826
Public Laws:		
95-606 thru 95-636	Referred to	Ch. 6 - 7
95-606 thru 95-636	Referred to	Ch.337 - 712
99-506	Referred to	Ch. 74 - 146
99-506	Amendments accepted	Ch. 4 - 5
Public Utility Regulator Policy Act of 1980		
Sec. 210	Referred to	Ch.287 - 608
Reauthorization Highway Bill	Referred to	HJM1 - 853
Rehabilitation Act Amendments of 1986	Accepted	Ch. 4 - 5
Rehabilitation Act Amendments of 1986	Referred to	Ch. 74 - 146
S1245 - 98th Congress First Session	Referred to	SJM105 - 851
Social Security Act:		
Sec. 903	Referred to	Ch. 8 - 13
Title XIX	Referred to	Ch.170 - 334,335
Surface Transportation Acceptance Act	Referred to	HJM1 - 853
Toxic Substances Control Act (TSCA)	Referred to	Ch.198 - 413
10 U.S.C., Sec. 101(9)	Referred to	Ch.318 - 670
16 U.S.C., Sec. 839	Referred to	SCR122 - 826
42 U.S.C.A., Sec. 10101	Referred to	Ch. 57 - 102
371 U.S.C.	Referred to	Ch.337 - 712
Water Pollution Control Act	Referred to	SCR121 - 824
W.I.C. (Food Program, Women, Infants and Children)	Referred to	Ch.335 - 707

COURT CASES

		Chapter - Page
National Bellas Hess Case	Referred to	HJM5 - 855
State vs. Chilton, #1620	Referred to	Ch. 59 - 105

STATE ACTS - MISCELLANEOUS

Hazardous Waste Management Plan	Adopted	SCR104 - 804
Pacific States Agreement on Radioactive Materials Transportation Mngmt	Enacted	Ch. 57 - 101
PCB Waste Disposal Act of 1987	Enacted	Ch.198 - 411
SCR109 - 1987	Referred to	Ch.314 - 657
Special District Dissolution Act	Enacted	Ch. 87 - 165
State Water Plan	Changes approved	SCR108 - 818
Telecommunications Service Assistance Program	Enacted	Ch.328 - 686
Uniform Fraudulent Transfer Act	Enacted	Ch.202 - 422

NUMERICAL LIST OF SENATE BILLS

That became Law with a brief synopsis and the Chapter Number of the Bills

		Chapter - Page
S1004	Beer license, city, appeals	Ch. 12 - 16
S1005	City finances, audits, when required	Ch. 13 - 18
S1006aa	Cities, competitive bidding	Ch.161 - 316
S1007aa	City board and commissions	Ch. 24 - 33
S1008	Voting, polls, time of opening	Ch. 2 - 3
S1012	Governor's choice of residence	Ch. 11 - 15
S1013	Martin Luther King, Jr. Day	Ch. 1 - 3
S1015aaH	Public Util Comm members, salary	Ch. 60 - 108
S1016	Community colleges, course approval	Ch. 48 - 76
S1019	Junior college now community college	Ch. 94 - 186
S1020	Motor vehicle repossession plates	Ch.190 - 382
S1021	Hazardous waste transportation	Ch.105 - 216
S1022aa	Brand inspection, recording fees	Ch. 61 - 109
S1024aa	School instructional materials/inspection	Ch. 25 - 34
S1026	State employee, probationary period	Ch. 99 - 194
S1028	Land, state, lease, archaic provision	Ch. 62 - 113
S1029	Timber sales, advertising	Ch. 63 - 114
S1030	DUI, blood alcohol test refusal	Ch.220 - 469
S1032	Bail amount, decision appeal	Ch.157 - 307
S1033aaH	Personnel Matters Committee, members	Ch.311 - 653
S1034aa	State employees, political activity	Ch.168 - 328
S1036	Appropriation, Land Dept, addl '87	Ch. 3 - 4
S1037	Professional service corp, consolidate	Ch.191 - 389
S1038	Forest land, co-op yield sustained dist	Ch. 64 - 115
S1039	Land, state, sale, installment basis	Ch. 95 - 187
S1040	Political campaign contributions	Ch.344 - 731
S1041	Employment Dept division administrators	Ch.312 - 654
S1042	Corporations, litigation expenses	Ch.221 - 471
S1045	Asbestosis/berylliosis, WC coverage	Ch.108 - 220
S1047aaH	Venereal disease report, patient name	Ch.222 - 474
S1048	Child support, service of process	Ch. 36 - 59
S1049	Swimming pool, flotation device use	Ch. 37 - 60
S1050	Water right adjudication, final decree	Ch.158 - 308
S1051	Water right examiner, licensure	Ch. 97 - 192
S1052	Dams, defined, state regulated	Ch. 98 - 192

		Chapter - Page
S1053aa	Land, state lease, date rental due	Ch.111 - 223
S1055	Watermaster, bonding	Ch.112 - 225
S1056	Forest fire and pest protection	Ch.192 - 390
S1057aa	Hunt, controlled, landowner permit	Ch.159 - 311
S1058	H&W administrators, serve Director	Ch.223 - 475
S1060	State employee, grievance procedure	Ch.100 - 198
S1061	State parks, interpretive services	Ch.160 - 315
S1064aaH	Computer program, trade secret	Ch. 67 - 121
S1065	Workmen's compensation, burial expense	Ch. 49 - 78
S1068aa	Pesticide applicators, licensure	Ch.104 - 214
S1069	Bee inspection	Ch. 96 - 187
S1071	Controlled substances, addition	Ch. 38 - 61
S1072	WAMI/WICHE/etc, resident requirement	Ch. 50 - 81
S1073	Boise Jr. College Dist continuance	Ch. 39 - 67
S1074	School district, supplemental levy	Ch.273 - 566
S1075aaH	Candidates, one office at a time	Ch.313 - 656
S1076	Divorce settlement/military benefits	Ch. 68 - 122
S1077	Jury service, employees	Ch. 65 - 116
S1081	Hazardous waste treatment, research	Ch.102 - 204
S1082	Hazardous waste sites, licensure	Ch.103 - 207
S1084	Education support prgm, elementary unit	Ch.101 - 200
S1085aa	Hazardous waste permit requirements	Ch.345 - 733
S1087	Real estate brokers, nonresident	Ch.193 - 398
S1089	School bonds, notice publication	Ch. 51 - 84
S1090	Education support pgrm, prop value	Ch. 52 - 85
S1091	Migratory waterfowl stamp	Ch.173 - 339
S1093	Retirement, public employee, eligibility	Ch.164 - 322
S1096	City funds, investments	Ch.162 - 318
S1097aa	Retirement, early, incentive plan	Ch.346 - 735
S1101	Developmentally disabled, trial unfit	Ch. 40 - 67
S1107aa	Motorcycles, no registration, when	Ch.194 - 404
S1108	Vehicle dealers, bonds	Ch.109 - 221
S1113	Motor vehicle, odometer record/time of sale	Ch.195 - 405
S1117aa	Motor vehicle, mandatory liability insurance	Ch.361 - 794
S1125aa	Real estate acquired for debts/banks	Ch.165 - 325
S1127	Child care services, regulation	Ch. 56 - 92
S1129	Approp, Labor & Industrial Serv, addl, '87	Ch. 41 - 70
S1130	Forest products, scale, assessment	Ch.196 - 408
S1131	Pacific Marine Fisheries Commission	Ch.197 - 410
S1133aa	Water/thermal, wells/well drilling	Ch.347 - 741
S1138	Deed of trust, foreclosure, sale	Ch.166 - 326
S1139aaH	Law enforcement records, disclosure	Ch.224 - 477
S1142aa	Graffiti, prohibitions	Ch.274 - 567
S1144	Absentee ballots, time limits	Ch.167 - 327
S1150	Wineries, sale of their product	Ch.169 - 330
S1152	Approp, Public Utilities Comm, addl, '87	Ch. 42 - 71
S1153aa	Dams, safety, state liability	Ch.225 - 477
S1154	Beer by drink, hours	Ch.110 - 222
S1155	Retirement System, actuarial funding	Ch.348 - 763
S1156	Approp, Attorney General, addl	Ch. 43 - 72
S1157	Approp, supplemental, Voc Rehab	Ch. 44 - 72
S1158	Approp, Transportation Dept, add'l '87	Ch. 45 - 73

		Chapter - Page
S1159	Approp, State Treasurer, add'l '87	Ch. 47 - 75
S1160	Approp, Agriculture Dept, add'l '87	Ch. 53 - 90
S1161	Tort claims, National Guard activity	Ch.106 - 218
S1163	Approp, Correction Dept, addl FY87	Ch. 54 - 91
S1164aaH	State bldgs, lease-purchase agreement	Ch.314 - 657
S1165	Crime victim compensation	Ch.226 - 479
S1167aa	Horse races, Centennial futurity	Ch.282 - 592
S1168	Subdivisions, interior monuments	Ch.227 - 482
S1169aa	Ground water management districts	Ch.349 - 764
S1171	Idaho Hispanic Commission created	Ch.163 - 320
S1172aa	PCB, disposal	Ch.198 - 411
S1173	Judges' retirement fund payments	Ch.107 - 219
S1175	State employee, temporary, benefits	Ch.228 - 484
S1176	Malicious harrassment, civil action	Ch.275 - 568
S1177	Controlled substance sale conviction contract to teach revoked	Ch.229 - 485
S1178	Water Pollution Control Acct loans	Ch.174 - 342
S1179	Law enforcement officer, criminal actions	Ch.175 - 348
S1180aaH	Bidder preference, purchase suppliers	Ch.350 - 779
S1181aa	Public wks project, design-build contract	Ch.283 - 594
S1182	Indigents, medical assistance pgrm	Ch.170 - 334
S1183aa	Beer sale, 6 a.m. hour established	Ch.351 - 780
S1184	Educational Support Prgm, contribution	Ch. 66 - 116
S1185	Unemployment benefits, eligibility	Ch.352 - 780
S1189	Farm products, security interest	Ch.284 - 596
S1190	Property transfer, summary record	Ch.353 - 785
S1193	Arson, aggravated, penalty	Ch.230 - 486
S1194	Timber purchase, cash deposit	Ch.354 - 786
S1195aaH	Mint assessament	Ch.285 - 605
S1197	Urban renewal agency, membership	Ch.276 - 568
S1199	Appropriation, Secretary of State	Ch.199 - 419
S1201	Appropriation, Personnel Commission	Ch.231 - 487
S1202	Appropriation, Industrial Commission	Ch.232 - 488
S1203	Appropriation, Transportation Dept.	Ch.233 - 489
S1204	Appropriation, Military Division	Ch.234 - 490
S1205	Approp, Retirement Syst, Liquor Dispensary	Ch.235 - 492
S1206	Approp, State Ins Fund	Ch.277 - 570
S1207aa	Approp, Public School Foundation Prgm	Ch.355 - 787
S1208	Approp, Agricultural Commodity Comms.	Ch.236 - 492
S1209	Appropriation, Insurance Department	Ch.237 - 493
S1210	Appropriation, Education Department	Ch.238 - 494
S1211	Approp, Endowment Fund Investment Bd.	Ch.239 - 496
S1212	Appropriation, Public Utilities Comm.	Ch.240 - 497
S1213	Appropriation, Labor & Industrial Servs	Ch.241 - 498
S1214	Appropriation, Department of Commerce	Ch.310 - 652
S1215	Appropriation, Supreme Court	Ch.242 - 499
S1216	Approp, Agriculture Department	Ch.243 - 500
S1217	Appropriation, Parks & Recreation Dept	Ch.244 - 502
S1218	Appropriation, Administration Dept.	Ch.245 - 505
S1220	Ore, cyanidation processing	Ch.356 - 789
S1221	Appropriation, Public Health Districts	Ch.246 - 507
S1222	Appropriation, Geological Survey	Ch.247 - 507

		Chapter - Page
S1223	Tort, insurance reform	Ch.278 - 571
S1224	Appropriation, Forest Utilization Pgrm	Ch.248 - 508
S1225	Appropriation, Water Resources Dept.	Ch.249 - 508
S1226	Appropriation, Department of Lands	Ch.250 - 510
S1227	Approp, Deaf & Blind School	Ch.251 - 514
S1228	Appropriation, Legislative services	Ch.357 - 790
S1231	Chauffeur, licensure clarified	Ch.279 - 588
S1232	Speed limits, highways, increased	Ch.280 - 590
S1233	Forest Practices Rehab Account	Ch.281 - 591
S1234	Appropriation, Permanent Bldg Account	Ch.358 - 791
S1235	Approp, Historical Society	Ch.359 - 792
S1237	School electors, H194 amended	Ch.252 - 514
S1238	Approp, Fish & Game, improve habitat	Ch.286 - 607
S1239	Approp, Public Employ Retirement System	Ch.360 - 794

NUMERICAL LIST OF HOUSE BILLS

That became Law with a brief synopsis and the Chapter Number of the Bills

		Chapter - Page
H1	Sales and use tax, 5%, permanent	Ch. 31 - 47
H2	Auditorium Dists, taxing powers	Ch. 70 - 129
H6	Court/Atty Gen opinions codified	Ch.114 - 227
H7	U.S. Olympic Acct reestablished	Ch. 6 - 6
H8aa	Livestock theft, clarification	Ch. 84 - 158
H9	Food product resembling dairy product	Ch. 7 - 8
H10aaS	Liquor license, cross country skiing	Ch. 32 - 53
H14aa,aaS	Upland game, permit established	Ch.253 - 515
H17	Abandoned property, published list	Ch. 10 - 14
H18	Vocational rehab, federal acts adopted	Ch. 4 - 4
H19	Beer, sale, "premises" defined	Ch.200 - 421
H20	Farm produce dealer, registration fee	Ch. 17 - 21
H22	Eggs, assessment increased	Ch. 21 - 27
H24	Sales tax exemptions, clarification	Ch. 18 - 23
H26	County officers, exempt fee payment	Ch. 14 - 18
H27	Property/unclaimed, county administer	Ch.115 - 228
H30	Taxing Dist, indebtedness certified	Ch. 19 - 26
H33	Blind Commission, administrator	Ch. 74 - 145
H35	Income tax withholding refund/claims	Ch. 33 - 54
H37	Hunting, certain land, prohibited	Ch.116 - 229
H40	Mutual benefit assns, law repeal	Ch. 78 - 149
H41	Securities Act, code reference	Ch. 81 - 154
H42	County code, one filed	Ch. 15 - 19
H43	Public Works Contractors Bd, compensation	Ch. 55 - 91
H44	Land surveyors, licensing exempt	Ch. 71 - 140
H46	Local business improvement districts	Ch. 26 - 34
H47	Property tax, RR value apportionment	Ch. 34 - 57
H49	Dentists/hygiensts, law changes	Ch. 30 - 39
H51	Special fuels tax, return required	Ch. 89 - 168
H52	Property tax, public utility defined	Ch.287 - 608
H54aa	Tax Commission members, salaries	Ch.113 - 227
H56aa	Fish & Game Code violation, guilty plea	Ch.176 - 349
H57	Children, sexual exploitation	Ch.177 - 352
H58	Law enforcement, fresh pursuit	Ch. 85 - 160
H59	Peace officers, force during arrest	Ch.117 - 231

		Chapter - Page
H61	Cigarette tax increase, addl tax	Ch.254 - 517
H64	Appropriation, Employment Dept, property	Ch. 8 - 13
H67	City expenditures not exceed approps	Ch.171 - 337
H68	City budgets, amendment	Ch.172 - 338
H73	County-wide hwy district candidate filing	Ch. 75 - 146
H74	Highway district, contracts, bids	Ch. 79 - 149
H75aaS	Liquor catering permit, validity	Ch. 58 - 104
H76	Inheritance tax, property value, time	Ch. 90 - 169
H77	Taxes, state, determination/collection	Ch. 86 - 161
H78	Gasohol defined, motor fuels tax	Ch. 82 - 155
H79	Elector, armed forces, registration	Ch. 20 - 27
H81	School transportation bids, code citation	Ch. 9 - 13
H82	Beer brewer/brewer's pub, license	Ch. 22 - 29
H83	Appropriation, H&W, addl FY87, Medicaid	Ch. 5 - 5
H84aaS	Shorthand reporters, certification	Ch. 72 - 141
H86	Motor vehicle, 30 yrs old, license plates	Ch.118 - 231
H87aa	Agreement, Radioactive Materials Mgmt	Ch. 57 - 101
H88aaS	Hunting/fishing, no interference	Ch.288 - 609
H90aaS	Solid waste project, county	Ch.213 - 454
H91	County recorder fees	Ch. 29 - 37
H94	Podiatry practice fees, requirements	Ch.119 - 232
H97	Bank liquidation, notices not needed	Ch. 76 - 147
H98	Credit union purchase by credit union	Ch. 80 - 152
H99	Securities law violation, penalty	Ch.120 - 234
H102	Children, sexual abuse crime	Ch.178 - 354
H103aaS	Probate, Board of Community Guardians	Ch.320 - 673
H106	Library district formation, postcard use	Ch.201 - 422
H107	Port district purchases, bids	Ch. 83 - 157
H112	Physical therapists	Ch. 46 - 74
H113	Policeman's Retirement Fund members	Ch. 73 - 143
H115aa	Insurance agents, continuing education	Ch.121 - 244
H118aa	Property, Fraudulent Transfer Act	Ch.202 - 422
H119	DUI, tests, alcohol measurement	Ch.122 - 247
H120	Search warrants	Ch.321 - 676
H125	Internal Revenue Code of 1986, adopted	Ch. 93 - 176
H128aa	School dist support/prop value decline	Ch.123 - 251
H129aaS	School elections, absentee voters	Ch.179 - 355
H130aaS	Bighorn sheep tags, special issue	Ch.322 - 677
H133	Ins Guaranty Assn, unearned premiums	Ch.124 - 254
H134	POST certification, exceptions	Ch.180 - 356
H135	Child custody, interference	Ch. 88 - 167
H137	Appropriation, Superconducting Collider	Ch. 27 - 36
H138	Appropriation, Dept of Commerce, addl, '87	Ch. 28 - 37
H140aa,aaS	Drug addiction, Alcoholism Program	Ch.289 - 610
H142	Cross-country skiing parking permits	Ch.181 - 358
H146	Appropriation, Capitol Bldg remodeling	Ch. 16 - 20
H147	Teacher certificate fees, increased	Ch.255 - 518
H150	MV fees, county-wide hwy districts	Ch.125 - 255
H152	Local improvement dist assessment	Ch.126 - 256
H154	Occupational therapists, licensure	Ch. 69 - 123
H157	Agric loan interest, no tax deduction	Ch.290 - 615
H158	Artists, art dealers, relationship	Ch.127 - 257

		Chapter - Page
H161	Approp, State Insurance Fund, addl, '87	Ch. 23 - 32
H162	Prisoners, county, employment	Ch.182 - 361
H163aaS	Horse Board established	Ch.214 - 457
H164	Potato tax	Ch.128 - 259
H166	Commercial feed, pea screenings	Ch.129 - 260
H172	Special districts, dissolution	Ch. 87 - 165
H173	Highway improvement limited to funds	Ch.130 - 261
H174	Highway dist, biennial audit	Ch.131 - 262
H175	Beer license fees	Ch. 91 - 172
H176aa	Steelhead trout buyer's license	Ch.203 - 429
H177	DUI, no temporary permit issuance	Ch.132 - 262
H178	Insurers, foreign, security deposit	Ch.291 - 616
H179	Insurance, guaranty, Idaho residents	Ch.292 - 617
H181	Approp, Public Works Contractors, addl	Ch. 35 - 59
H183aaS	Urban renewal, revenue financing	Ch.258 - 524
H184	Driver's license fees increased	Ch.133 - 264
H185aaS	No smoking on buses	Ch.183 - 362
H188	MV registrations, county attributions	Ch.134 - 266
H189	Pollution source permit fee	Ch.135 - 269
H192	Fair boards, appointment	Ch.184 - 363
H193	Motor vehicle registration, 5 yrs	Ch.185 - 364
H194	Elections, school, registered voters	Ch.256 - 519
H195	Civil action/atty fee, party define	Ch.204 - 430
H197	Forest product yield tax, no budget cap	Ch.205 - 431
H201	Driver's license, medical condition	Ch.186 - 368
H204	Appropriation, Lands Dept, add'l '87	Ch. 77 - 148
H207	City consolidation, petitions	Ch.136 - 270
H208aa	Water, surplus, city sell	Ch.206 - 433
H212	Urban renewal agency, authority	Ch.259 - 536
H213	Crime victims compensation, fines	Ch.137 - 270
H214	Ad valorem tax, audit period	Ch.138 - 271
H215	Bank officer, bonding alternative	Ch.293 - 622
H216	Credit union loans, security	Ch.139 - 272
H219	Insurance risk retention groups	Ch.140 - 274
H220	School Board of Trustees, vacancy	Ch.141 - 282
H221	Junior college funds, disbursement	Ch.142 - 283
H222	Warehouseman, bond, letter of credit	Ch.143 - 284
H224aaS	Agriculture rule violation, penalty	Ch.187 - 369
H225	Chiropractic practice, requirements	Ch.144 - 286
H226aa	Parental relationship termination	Ch.207 - 436
H228	Jury, separation, felonies	Ch.145 - 289
H229	Financial institution/failed, acquisition	Ch.294 - 625
H232	Collection agent, dual employment	Ch.295 - 630
H233aa	Collection agency, bond limit	Ch.296 - 632
H234	Collection agency, staff, procedure	Ch.297 - 633
H237aa	Wildlife, held in captivity	Ch.323 - 678
H238	Criminal procedure, insanity defense	Ch. 59 - 105
H240aa	Income tax, capital gains deduction	Ch.324 - 680
H244	Accidents, leaving scene, penalty	Ch.208 - 440
H245	MV centennial plates, other vehicles	Ch.146 - 290
H247	Motor fuel distributor reports	Ch.209 - 442
H249aaS	Fuels tax, special, reports	Ch.298 - 634

		Chapter - Page
H252aa	Optometrists, prescriptions	Ch.210 - 443
H253	State purchasing, group discount	Ch.325 - 681
H255	Psychology practice fees, definitions	Ch.147 - 292
H258	Anantomical tissue donation, liability	Ch.148 - 294
H259	Pesticide applicators, licensure	Ch.299 - 635
H260aa	Wildlife/fish/birds, imported, tests	Ch.211 - 444
H262aaS	Pure seed law, clarification	Ch.188 - 369
H263	Apples, assessment	Ch.300 - 638
H264	Tax revenues, distribution clarified	Ch.260 - 545
H265	Income tax, part-year, nonresidents, partnerships	Ch.149 - 295
H268	Archery hunt, gun use, penalty	Ch.261 - 552
H271	Collection agency, bond requirement	Ch.301 - 639
H273	Insurance Co/foreign, redomesticated	Ch.302 - 640
H278	Telephone, pen register/trip/trace	Ch.215 - 460
H280	Juvenile offender, refusal to receive	Ch.216 - 465
H281	Property damage by a minor, liability	Ch.257 - 522
H289aaS	Hwys/state, cty hwy dist, not bid	Ch.303 - 643
H291	Sales tax exempt, custom farming, aircraft	Ch.326 - 682
H294	Circuit breaker tax pymt, county, time	Ch. 92 - 173
H297	State employee benefits, report	Ch.327 - 685
H298	Telecommunications assistance pgrm	Ch.328 - 686
H299aa,aaS	Local planning, zoning change, notice	Ch.329 - 688
H301	Income tax credit, library foundation	Ch.304 - 644
H302	Elections, political party petition	Ch.262 - 553
H305	Liquor consumption age, 21	Ch.212 - 448
H306	Emergency vehicle, unauthorized, penalty	Ch.189 - 382
H308	Vehicles, color lights and globes	Ch.150 - 301
H309	Adjutant General, national guard member	Ch.330 - 689
H310	Civil action/atty fee, party define	Ch.263 - 555
H311aa,aaS	Noxious weeds, control	Ch.331 - 690
H312	Appropriation, Attorney General	Ch.151 - 301
H313	Appropriation, Centennial Commission	Ch.152 - 303
H316	Bonds, junior/community college issue	Ch.264 - 556
H318	Appropriation, Self-governing Agencies	Ch.153 - 303
H321	Appropriation, State Treasurer	Ch.154 - 305
H322	Appropriation, Higher Education	Ch.332 - 705
H325	Appropriation, State Auditor	Ch.155 - 305
H326	Appropriation, Finance Department	Ch.156 - 307
H327	Appropriation, Fish & Game Department	Ch.217 - 465
H328	Appropriation, Office of Governor	Ch.218 - 467
H329	Appropriation, Financial Management Div	Ch.219 - 468
H330aa	Appropriation, Office on Aging Human Rights, Blind Commission	Ch.333 - 706
H332	Driving instructor requirement	Ch.334 - 707
H333	Income tax, nonresidents, income amount	Ch.315 - 658
H336aaS	Dog racing	Ch.316 - 660
H338	Appropriation, community colleges	Ch.265 - 556
H339	Appropriation, Correction Department	Ch.266 - 557
H340	Approp, Educ Public Broadcasting Syst	Ch.267 - 559
H341	Food purchase WIC Pgrm/sales tax exempt	Ch.335 - 707
H342	Food stamp purchase/sales tax exempt	Ch.336 - 708

		Chapter - Page
H343	Unemployment comp, contribution rate	Ch.317 - 666
H345	Appropriation, Tax Comm/Tax Appeals Bd	Ch.268 - 560
H346	Appropriation, Agricultural Research Pgrm	Ch.269 - 562
H350	Appropriation, Education Bd Office	Ch.270 - 563
H351	Appropriation, WAMI Medical Educ Pgrm	Ch.271 - 564
H352	Appropriation, WOI Veterinary Program	Ch.272 - 565
H353	Terrorist Control Act	Ch.318 - 669
H354	Appropriation, Education Bd, Voc Rehab	Ch.306 - 646
H355	Appropriation, State Library Bd	Ch.307 - 647
H356	Appropriation, Special Health Educ Pgrms	Ch.308 - 648
H357	Appropriation, Vocational Education	Ch.309 - 649
H359	Trust accounts, contributions	Ch.337 - 709
H363	Appropriation, Law Enforcement Dept.	Ch.338 - 712
H365	Appropriation, Health & Welfare Dept	Ch.339 - 715
H366	Investment tax credit, extended	Ch.319 - 671
H367	Trust co, state university/no charter	Ch.305 - 645
H370	Insurance premium tax	Ch.340 - 720
H374	Appropriation, Lieutenant Governor	Ch.341 - 725
H378	Income tax rates & brackets, individual pay estimated tax	Ch.342 - 725
H380	Appropriation, Permanent Bldg Account	Ch.343 - 730

NUMERICAL LIST OF SENATE AND HOUSE JOINT RESOLUTIONS, CONCURRENT RESOLUTIONS, AND JOINT MEMORIALS

Senate and House Resolutions and Memorials

SJR105	Congressional pay raises	801
HJR3	Lotteries, state operated	801
SCR101	Vietnam Veterans Memorial	803
SCR104	Hazardous Waste Management Plan	803
SCR106	Alzheimer's Disease, state policy	817
SCR108	Water Plan, changes, etc., approved	818
SCR109	Penitentiary/construction authorized	819
SCR114	Streamflow/minimum, Henrys Fork	821
SCR115	Medical ins premiums, state retirees	822
SCR116	Medical ins cost study, retirees	822
SCR120	Industrial Adm Bldg, renovation	823
SCR121	Pollution/antidegradation policy	824
SCR122	Weiser River Galloway Project	826
SCR123	U.S. Constitution, anniversary noted	827
SCR124	School teachers, minimum salary	828
HCR1	Governor's State of State Message	829
HCR2	Governor's Budget Address	829
HCR3	Bills/legislative, printing contract	830
HCR4	Revenue projections, FY 1988	833
HCR5	Revenue projections, FY 1987	834
HCR6	Medicaid program study	835
HCR7	Indian Affairs Committee	835
HCR8	Streamflow/minimum, Big Wood River	837
HCR9	Streamflow/minimum, Silver Creek	837
HCR12	State parks, resident preference	838
HCR14	Educational Support Program study	839
HCR15	State employees, pay policies	839
HCR16	Session Laws, printing contract	840
HCR18	Western States Forestry Task Force	843
HCR22	Teaching certification, time period	844
HCR25	Juvenile justice system study	844
HCR26	Contractor licensing/lien laws study	845

SJM101	Boron Neutron Capture Therapy	847
SJM102	Lamb import restriction asked	848
SJM104	Craters of the Moon National Park	849
SJM105	Home industries, Congress petitioned	850
SJM106	"Border war" moratorium asked	851
HJM1	Highway reauthorization bill/federal	853
HJM4	Centennial commemorative stamp	854
HJM5	Sales tax, mail order items	855
HJM6	Atty Gen meeting, President invited	856
HJM8	Nuclear power development encouraged	857
HJM9	Oil & gas exploration, Arctic plain	859

APPENDIX

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 Cecil D. Andrus (D)

LT. GOVERNOR C. L. "Butch" Otter (R)

SECRETARY OF STATE Pete T. Cenarrusa (R)

STATE AUDITOR Joe R. Williams (D)

STATE TREASURER Lydia Justice-Edwards (R)

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 ..... 7th Term
Box 187, Hope 83836 264-5430
Contractor Wife-Diane
MINORITY LEADER
Resources/Environment, State Affairs

Tim Tucker (D), House Seat A ..... 3rd Term
K V. Ranch, HCR 60, Box 227, Porthill 83853
Home 267-2977 Bus. 267-5198
Farmer Wife-Ellen
Agricultural Affairs, Appropriations (JFAC)

James F Stoicheff (D), House Seat B ..... 8th 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 ..... 2nd Term
10 Giesa Road, Coeur d'Alene 83814
Home 664-3564 Bus. 664-1813
Husband-Scott
Education, Judiciary/Rules, State Affairs

Terry Sverdsten (R), Senate Seat B ..... 4th Term
Route 2, Box 54, Cataldo 83810
Home 682-2308 Bus. 682-2308
Logging Contractor Wife-Dee
CHAIRMAN-Education
VICE CHAIRMAN-Resources/Environment
Revenue Projections

Robert M. (Bob) Scates (R), House Seat A ..... 4th Term
334 Military Drive, Coeur d'Alene 83814
664-8833
Retired Dentist - Tree Farmer Wife-Elizabeth
VICE CHAIRMAN-Education
Health/Welfare

D. Dean Haagenson (R), House Seat B ..... 3rd Term
P.O. Box 340, Coeur d'Alene 83814
Home 664-6873 Bus. 667-2456
General Contractor
CHAIRMAN-Resources/Conservation
State Affairs, Transportation/Defense

Hilde Kellogg (R), House Seat C ..... 3rd Term
PO Box 1479, Post Falls 83854 773-5412
Business Woman
VICE CHAIRMAN-Local Government
Business, State Affairs

Thomas Joseph Giovanelli (D), House Seat D ..... 1st Term
1600 W Blackwell Rd., Coeur d'Alene 83814
765-0501
Researcher Wife-Deborah
Education, Judiciary, Rules/Administration
Local Government

3-BENEWAH & SHOSHONE COUNTIES

Marti Calabretta (D), Senate ..... 2nd Term
Box 784, Osburn 83849 752-6371
Social Worker/Artisan Husband-Bennie
Health/Welfare, Resources/Environment
State Affairs

Louis J. Horvath, Jr. (D), House Seat A ..... 6th 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 ..... 6th Term
(Served 3 terms House/Senate, 1973-78)
HC 1, Box 260, Wallace 83873 682-3080
Retired
Commerce, Industry/Tourism
State Affairs, Transportation/Defense

4-BENEWAH, BONNER, BOUNDARY, KOOTENAI & SHOSHONE COUNTIES

Mike Blackbird (D), Senate ..... 1st Term
6 Diamond, Kellogg 83837
Home 784-5941 Bus. (509) 456-7771
Salesman Wife-Florence
Health/Welfare, Transportation

Jeanne Givens (D), House Seat A ..... 2nd Term
P.O. Box 969, Coeur d'Alene 83814 664-0707
Consultant Husband-Raymond C.
Business, Education, Health/Welfare

Steve Herndon (D), House Seat B ..... 2nd Term
P.O. Box 216, Sandpoint 83864
Home 263-6077 Bus. 263-2108
Attorney Wife-Janice
Judiciary, Rules/Administration
State Affairs

5-LATAH COUNTY

Don Mackin (D), Senate ..... 1st Term
P.O. Box 9788, Moscow 83843 Home 882-5280
Property Management Bus 882-6280
Commerce/Labor, Investment/Retirement
Local Government

James R. "Doc" Lucas DVM (R), House Seat A ..... 4th Term
4231 Highway 95 South, Moscow 83843 882-7374
Veterinarian - Retired Wife-Vi
Appropriations (JFAC), Resources/Conservation

Tom Boyd (R), House Seat B ..... 6th Term
Route 1, Box 69, Genesee 83832 285-1578
Farmer Wife-Beverly
SPEAKER OF THE HOUSE

LEGISLATORS BY DISTRICT (continued)

6-NEZ PERCE COUNTY

Bruce L. Sweeney (D), Senate.....3rd Term
(Served 2 terms House, 1970-74)
Box 604, Lewiston 83501
Home 743-9148 Bus. 743-2534
Land Development/Construction Wife-Merilyn
ASSISTANT MINORITY LEADER
Education, State Affairs, Transportation

Larry R. Vincent (D), House Seat A.....1st Term
Route 1, Box 72D., Culdesac 83524 843-7212
Farmer Wife-Betty
Agricultural Affairs
Commerce, Industry/Tourism, Education

Deanna Vickers (D), House Seat B.....1st Term
807 Sixth Street, Lewiston 83501 743-3253
Homemaker/Dental Hygienist Husband-Lee
Health/Welfare, Resources/Conservation

7-CLEARWATER, IDAHO & LEWIS COUNTIES

Marguerite McLaughlin (D), Senate.....3rd Term
(Served 2 terms House, 1979-82)
704 Floyd Ave., Orofino 83544 476-4138
Husband-G. Bruce
Commerce/Labor, Finance (JFAC)
Investment/Retirement

Carl P. Braun (D), House Seat A.....7th Term
400 Braun Road, Orofino 83544 476-5655
Rural Carrier (Retired) - Farmer Wife-Gladys
Business, State Affairs
Transportation/Defense

Harold W. Reid (D), House Seat B.....14th Term
Route 2, Box 31, Craigmont 83523 937-2514
Agriculture Wife-Louise
Agricultural Affairs, Revenue/Taxation

8-CLEARWATER, IDAHO, LATAH, LEWIS & NEZ PERCE COUNTIES

Ron Beitelspacher (D), Senate.....5th Term
Box 415, Grangeville 83530 983-2535
Lineman - Outfitter
Finance (JFAC), Local Government/Taxation
Resources/Environment

Richard L. Adams (D), House Seat A.....4th 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.....4th 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

Norris J. Hyde (R), Senate.....1st Term
P.O. Box 730, Emmett 83617 Home 365-5521
Veterinarian Bus. 365-3208
Commerce/Labor, Health/Welfare
Resources/Environment

Gayle Ann Wilde (R), House Seat A.....1st Term
P.O. Box 984, McCall 83638 634-5678
Petroleum Marketer/Secondary Teacher
Husband-Ralph
Education, Environmental Affairs

Robert Fry (R), House Seat B.....3rd Term
P.O. Box 58, Horseshoe Bend 83629 793-2585
Rancher Wife-Gayle
CHAIRMAN-Local Government
Judiciary, Rules/Administration
Revenue/Taxation

10-PAYETTE & WASHINGTON COUNTIES

Roger Fairchild (R), Senate.....4th Term
Box 528, Fruitland 83619
Home 452-4749 Bus. 452-4701
President, Golden Valley Foods, Inc. Wife-Mary
CHAIRMAN-Judiciary/Rules, State Affairs
Transportation

Wayne Sutton (R), House Seat A.....3rd Term
Route 1, Box 42, Midvale 83645 355-2442
Rancher Wife-Gertruda
VICE CHAIRMAN-State Affairs
Agricultural Affairs, Resources/Conservation

Mary Hartung (R), House Seat B.....1st Term
Box 147, Payette 83661
Home 642-3270 Bus. 642-4131
Retailer Husband-Morris
Education, Judiciary, Rules/Administration
Transportation/Defense

11-CANYON COUNTY

Skip Smyser (R), Senate Seat A.....3rd Term
(Served 1 Term In House, 1981-82 Sessions)
Route 1, Box 1357, Parma 83660
Home 722-6658 Bus. 722-6721, 342-0777
Lawyer Wife-Melinda
CHAIRMAN-Transportation
Agricultural Affairs, State Affairs

J. L. "Jerry" Thorne (R), Senate Seat B.....2nd Term
331 Winther Blvd., Nampa 83651
Home 467-2892 Bus. 466-3682
Printing Wife-Lois
Finance (JFAC), Local Government/Taxation
Transportation

Atwell J. "At" Parry (R), Senate Seat C.....4th Term
Route 1, Box 2, Melba 83641 495-2226
Grocer/Meat Cutter - Retired Wife-Elaine
CHAIRMAN-Finance, CO-CHAIRMAN-JFAC
VICE CHAIRMAN-Local Government/Taxation

LEGISLATORS BY DISTRICT (continued)

DISTRICT 11–Continued

Robert E. Schaefer (R), House Seat A.....2nd 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.....6th 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.....2nd Term
328 Winther Blvd., Nampa 83651
Home 466-7621 Bus. 467-2745
Homemaker/Civic Worker Husband-Robert E.
VICE CHAIRMAN-Judiciary, Rules/Administration
Health/Welfare, State Affairs

Elizabeth "Liz" Allan-Hodge (R), House Seat D. 2nd Term
P.O Box 717, Middleton 83644
Home 585-6272 Bus. 454-1984
Associate Director-Center for the Study
of Market Alternatives
VICE CHAIRMAN-Commerce, Industry/Tourism
Environmental Affairs, State Affairs

Dolores J. Crow (R), House Seat E.....3rd Term
203 11th Ave S. Extension, Nampa 83651
Home 467-1302 Husband-Wayne
Appropriations (JFAC), Environmental Affairs

Ron Crane (R), House Seat F.....3rd Term
Route 3, Box 496, Caldwell 83605 459-4990
Businessman Wife-Cheryl
VICE CHAIRMAN-Business
Agricultural Affairs, State Affairs

12-ELMORE & OWYHEE COUNTIES

R. Claire Wetherell (D), Senate.....2nd Term
360 East 15th North, Mountain Home 83647
Title Insurance Home 587-3240 Bus. 587-9091
Agricultural Affairs, Education
Judiciary/Rules

Frances Field (R), House Seat A.....2nd Term
HC-85, Box 221, Grand View 83624
Home 834-2488 Husband-Oscar
Homemaker/School Dist. Bus. Mgr., Retired
Agricultural Affairs
Resources/Conservation, State Affairs

Leanna Lasuen (D), House Seat B.....1st Term
610 E. 9th North, Mountain Home 83647 587-8133
Legal Secretary Husband-Larry
Commerce, Industry/Tourism, Education
Environmental Affairs

13-ADAMS, BOISE, CANYON, ELMORE, GEM, OWYHEE, PAYETTE, VALLEY & WASHINGTON COUNTIES

Philip E. Batt (R), Senate.....7th 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
CHAIRMAN-State Affairs
VICE CHAIRMAN-Investment/Retirement
Transportation

Mike Strasser (R), House Seat A.....4th Term
6727 Hemlock, Nampa 83651 466-9099
Self-employed Wife-Sharlene
CHAIRMAN-Business, State Affairs

W. O. "Bill" Taylor (R), House Seat B.....1st Term
1914 Primrose Dr., Nampa 83651 466-0970
Contractor/Real Estate Wife-Shirley
Education, Local Government

14-ADA COUNTY

Herb Carlson (R), Senate .....3rd Term
1812 Hill Road, Eagle 83616 939-6979
Farmer - Rancher Wife-Lorrain
CHAIRMAN-Agricultural Affairs
CHAIRMAN-Revenue Projections
Finance (JFAC), Resources/Environment

Gary L. Montgomery (R), House Seat A.....4th Term
737 N. 7th St., Boise 83702 Bus 342-3563
Attorney Wife-Marilyn
ASSISTANT MAJORITY LEADER
Judiciary, Rules/Administration
Revenue/Taxation, Ways/Means

Jerry Deckard (R), House Seat B.....2nd Term
P.O. Box 441, Eagle 83616 939-0708
Marketing Consultant/Farmer Wife-Carol
CHAIRMAN-Ways/Means
Judiciary, Rules/Administration
State Affairs

15-ADA COUNTY

Rod Beck (R), Senate.....2nd Term
4257 Tattenham Way, Boise 83704
Home 376-9797 Bus. 322-2700
Real Estate Broker Wife-Rhonda
Finance (JFAC), Investment/Retirement
Local Government/Taxation, Transportation

Don C. Loveland (R), House Seat A. .....3rd Term
(Served 3 terms Senate, 1963-67)
4624 Berkshire Drive, Boise 83704 375-8893
Retired Wife-Dorothy
CHAIRMAN-Judiciary, Rules/Administration
Local Government, Revenue/Taxation

Phil Childers (R), House Seat B.....2nd Term
3440 Quail Place, Boise 83704 375-8904
Sales/Marketing Wife-Margaret
VICE CHAIRMAN-Revenue/Taxation
Commerce, Industry/Tourism
Environmental Affairs

LEGISLATORS BY DISTRICT (continued)

16-ADA COUNTY

Wm. F. (Bill) Ringert (R), Senate.....3rd Term
4170 Lenora Drive, Boise 83704
Home 375-8009 Bus. 342-4591
Lawyer Wife-Bing
CHAIRMAN-Investment/Retirement
Finance (JFAC), Resources/Environment

Emerson Smock (R), House Seat A.....2nd Term
3917 Mountain View Dr., Boise 83704 375-0568
Retired Wife-Patricia
CHAIRMAN-Environmental Affairs
Business, State Affairs

Christopher R. Hooper (R), House Seat B.....5th Term
3616 Cabarton Lane, Boise 83704 375-6693
CHAIRMAN-Health/Welfare,
Business, Revenue/Taxation

17-ADA COUNTY

Rachel S. Gilbert (R), Senate.....2nd Term
(Served 2 Terms House, 1981-85)
1111 Marshall, Boise 83708
Home 343-3123 Bus. 378-8441
Real Estate Broker
Investment/Retirement
Local Government/Taxation

Ron Slater (R), House Seat A.....2nd Term
3708 Camas, Boise 83705 342-3080
Wife-Diana
Business, Transportation/Defense

Ruby R. Stone (R), House Seat B.....2nd Term
6604 Holiday Drive, Boise 63709
Property Management 375-7975
Commerce, Industry/Tourism, Local Government

18-ADA COUNTY

Jerry J. Hanson (R), Senate.....1st Term
10935 Camas St., Boise 83708
Home 376-9309 Bus 343-4951
Title Insurance Co. Regional Mgr. Wife-Judy
Commerce/Labor, Health/Welfare
Revenue Projections

Herm Steger (R), House Seat A.....1st Term
11513 W. Amity Rd., Boise 83709 362-1363
Retired Elem. School Principal Wife-Doris
Education, Environmental Affairs

Brent Brocksome (R), House Seat B.....2nd Term
11277 Verde Lane, Boise 83709
Home 362-9093 Bus. 345-8431
Nursing Home Administrator/Owner Wife-Patricia
Appropriations (JFAC), Health/Welfare

19-ADA COUNTY

Gail Etheridge Bray (D), Senate.....3rd Term
P.O. Box 1825, Boise 83701
Home 344-1390 Bus. 343-0273
Husband-Chris
Education, Judiciary/Rules
Local Government/Taxation, Revenue Projections

Kathleen (Kitty) Gurnsey (R), House Seat A.....7th Term
1111 W. Highland View Dr., Boise 83702 343-1780
Husband-Vern L.
CHAIRMAN-Appropriations, CO-CHAIRMAN-JFAC,
Environmental Affairs

Kenneth L. Robison (D), House Seat B.....1st Term
(Served 1 Term Senate, 1979-80)
1119 N. 12th Street, Boise 83702
Journalist Home 345-3440 Bus 344-6832
Health/Welfare, Resources/Conservation

20-ADA COUNTY

Karl B. Brooks (D), Senate.....1st Term
157 E. Williams St., Boise 83706
Home 383-0356 Bus. 384-7713
Lawyer Wife-Kathy
Investment/Retirement, Judiciary/Rules
Transportation

Pamela I. Bengson (R), House Seat A.....4th Term
2704 Raindrop Drive, Boise 83706
Home 345-8168 Bus. 344-8581
Self-employed, Equipment Rental Husband-Bradley
CHAIRMAN-State Affairs
Judiciary, Rules/Administration

Jack C. Kennevick (R), House Seat B.....9th Term
1 Mesa Drive, Boise 83705 343-2138
Insurance Wife-Mary Anne
MAJORITY LEADER
Business, State Affairs, Ways/Means

21-ADA COUNTY

James E. Risch (R), Senate.....7th 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
VICE CHAIRMAN-State Affairs

Boyd Hill (R), House Seat A.....2nd Term
1035 E. McMillan Road, Meridian 83642
Home 888-5515 Bus. 327-0010
Owner, Western Wholesale Wife-Mardi
Business, Environmental Affairs
Revenue/Taxation

Dean E. Sorensen (R), House Seat B.....2nd Term
333 N. 1st St., Suite 120, Boise 83702
Home 345-8688 Bus. 342-4671
Surgeon Wife-Sheila
MAJORITY CAUCUS CHAIRMAN
Judiciary, Rules/Administration
Local Government, Ways/Means

LEGISLATORS BY DISTRICT (continued)

22-BLAINE, CAMAS, GOODING & LINCOLN COUNTIES

John T. Peavey (D), Senate.....7th Term
P.O. Box 88, Carey 83320
Home 788-2850/summer 726-7568/winter
Rancher Wife-Diane Josephy
MINORITY CAUCUS CHAIRMAN
Agricultural Affairs, Local Government/
Taxation, Resources/Environment

Gary Robbins (R), House Seat A.....2nd 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.....6th Term
Route 1, 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.....4th Term
Route 1, Box 65, Kimberly 83341 733-3617
Sheep Producer Wife-Kathleen
CHAIRMAN-Resources/Environment
VICE CHAIRMAN-Agricultural Affairs
VICE CHAIRMAN-Education

Darrel S. McRoberts (R), Senate Seat B.....2nd Term
342 Monroe Place, Twin Falls 83301
Home 734-3329 Bus. 543-4322
Plant Manager, Food Processing Wife-Joyce
Finance (JFAC)
Judiciary, Rules/Administration

Ronald L Black (R), House Seat A.....1st Term
240 N. Locust, Twin Falls 83301 734-9035
Horticulturalist Wife-Gael
Education, Health/Welfare

Celia Gould Folkinga (R), House Seat B.....1st Term
Route 4, Box 113, Buhl 83316
Home 543-6725 Bus. 543-4131
Rancher Husband-Jim
Agricultural Affairs, Education
Commerce, Industry/Tourism

Russell W Newcomb (R), House Seat C.....1st Term
RFD #3, Highlawn Dr., Twin Falls 83301
Home 734-2885 Bus 733-3700
Surgeon/Farmer Wife-Carol
Education, Health/Welfare
Judiciary, Rules/Administration

Douglas R. Jones (R), House Seat D.....2nd Term
Route 2, Filer 83328
Home 326 4181 Bus. 733 8458
Farmer Wife-Mary Liz
Agricultural Affairs, Education
Resources/Conservation

24-CASSIA, JEROME & MINIDOKA COUNTIES

Denton Darrington (R), Senate Seat A.....3rd 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.....2nd Term
Route 5, Box 184, Rupert 83350 532-4352
Farmer Wife-Brenda
Agricultural Affairs, Education
Local Government/Taxation
Resources/Environment

Ernest A. Hale (R), House Seat A.....9th Term
725 E. 16th Burley 83318 678-7394
Quarry Operator Wife-Elizabeth
CHAIRMAN-Education
Transportation/Defense

Bruce Newcomb (R), House Seat B.....1st Term
1626 Monroe, Burley 83318
Home 678-3758 Bus. 654-2321
Farmer/Rancher Wife-Rae Dene
Agricultural Affairs
Resources/Conservation

Steve Antone (R), House Seat C.....10th Term
1141 Link St., Rupert 83350 436-3927
Farmer Wife-Diane
CHAIRMAN-Revenue/Taxation, Business

Waldo Martens (R), House Seat D.....2nd 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.....2nd Term
2639 Eastgate Drive, Twin Falls 83301
Home 734-2248 Bus. 733-6756
Building Contractor/Writer Wife-Ellen M.
VICE CHAIRMAN-Transportation
Judiciary/Rules, Local Government/Taxation

Jerry Callen (R), House Seat A.....2nd Term
427-A W 500 South, Jerome 83338 324-1215
Farmer/Cattle Feeder Wife-Patricia
Agricultural Affairs,
Commerce, Industry/Tourism, State Affairs

Ralph B. Peters (R), House Seat B.....1st Term
601 E. Ave. "A", Jerome 83338
Home 324-4683 Bus. 324-6169
Retired Farmer/Businessman Wife-Blanche
Commerce, Industry/Tourism
Local Government

LEGISLATORS BY-DISTRICT (continued)

26-BINGHAM COUNTY

Jerry T. Twiggs (R), Senate.....2nd Term
955 West 100 South, Blackfoot 83221 884-4090
Farmer Wife-Sandra
MAJORITY CAUCUS CHAIRMAN
Agricultural Affairs, Education, State Affairs

Raymond G. Parks (R), House Seat A.....5th Term
1054 West Tabor Road, Blackfoot 83221 684-4816
Farmer Wife-Paula
VICE CHAIRMAN-Transportation/Defense
Appropriations (JFAC)

Michael K. Simpson (R), House Seat B.....2nd Term
786 Hoff Drive, Blackfoot 83221
Home 785-5043 Bus. 785-0310
Dentist Wife-Kathy
Judiciary, Rules/Administration
Local Government, Revenue/Taxation

27-BANNOCK & POWER COUNTIES

Bert W. Marley (D), Senate Seat A.....5th Term
P.O. Box 35, McCammon 83250
Home 254-3291 Bus. 236-2575
Teacher - Farmer Wife-Betty Jane
Agricultural Affairs, Commerce/Labor
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, Revenue Projections

C. E. "Chick" Bilyeu (D), Senate Seat C.....9th Term
11076 N. Philbin Rd., Pocatello 83202 237-3158
Educator - Retired Wife-Diane
Finance (JFAC), Transportation

Patricia L. McDermott (D), House Seat A.....10th Term
P.O. Box 3, Pocatello 83204
Home 232-6978 Bus. 232-3162
Attorney
Judiciary, Rules/Administration
State Affairs

Wayne Hall (D), House Seat B.....1st Term
10256 South Hall Road, McCammon 83250
Dairy Farmer Wife-Vera 254-3431
Local Government, Resources/Conservation

Albert M. (Al) Johnson (D), House Seat C.....3rd Term
12350 N. Philbin Rd., Pocatello 83202 237-2828
Farmer - Rancher Wife-Betty
Environmental Affairs
Resources/Conservation, Revenue/Taxation

Pete Black (D), House Seat D.....3rd Term
530 Cochise, Pocatello 83204
Home 232-5553 Bus. 237-2271
Educator Wife-Ronda
ASSISTANT MINORITY LEADER
Appropriations (JFAC), Business, Ways/Means

Mary Ellen Lloyd (D), House Seat E.....1st Term
1232 W. Eldredge, Pocatello 83201
Home 237-8207 Bus. 232-9538
Restaurant Owner Husband-Bill
Environmental Affairs
Judiciary, Rules/Administration

L. Ed Brown (R), House Seat F.....2nd Term
288 Thurston, Pocatello 83201
Home 232-6633 Bus. 232-8024
Teacher Wife-Carol
Local Government, Resources/Conservation
State Affairs

28-BEAR LAKE, CARIBOU, FRANKLIN & ONEIDA COUNTIES

Dennis S. Hansen (R), Senate.....1st Term
HC70, Box 2500, Soda Springs 83276
Home 547-4410 Bus. 547-3391
Accountant Wife-Marianne
Agricultural Affairs, Commerce/Labor
Education

Robert C. Geddes (R), House Seat A.....6th Term
7235 N. 2600 West, Preston 83263 852-1376
Farmer Wife-Carma
Agricultural Affairs, Appropriations (JFAC)

Eugene B. Stucki (R), House Seat B.....5th 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

H. J. "Jim" Christiansen (D), Senate.....1st Term
Box 458, Aberdeen 83210
Home 397-4644 Bus. 226-5001
Farmer - Implement Dealer Wife-Lou Etta
Agricultural Affairs, Resources/Environment
Transportation

Sam Clark (R), House Seat A.....1st Term
449 McKinley, Pocatello 83201
Home 233-5559 Bus. 232-0800
Insurance Wife-Debra
Health/Welfare
Judiciary, Rules/Administration

Mark Duffin (R), House Seat B.....2nd Term
P.O. Box 126, American Falls 83211
Home 226-5427 Bus. 548-2498
Farmer
Resources/Conservation, State Affairs
Transportation/Defense

30-BUTTE, CLARK, CUSTER, JEFFERSON & LEMHI COUNTIES

Vearl C. Crystal (R), Senate.....6th Term
P.O. Box 78, Lewisville 83431 754-4705 (Rigby)
Rancher - Rodeo Producer Wife-Brenda
CHAIRMAN-Local Government
VICE CHAIRMAN-Finance (JFAC)

Ray E. Infanger (R), House Seat A.....8th Term
Route 1, Box 174, Salmon 83467 756-3649
Heating/Sheet Metal Shop Wife-Vara
VICE CHAIRMAN-Agricultural Affairs
Appropriations (JFAC)

JoAn E. Wood (R), House Seat B.....3rd Term
Route 1, Box 21, Rigby 83442 745-7846
Partner-ranch/farm incorporation Husband-Thomas D
VICE CHAIRMAN-Resources/Conservation
State Affairs

LEGISLATORS BY DISTRICT (continued)

31-FREMONT & MADISON COUNTIES

Mark G. Ricks (R), Senate.....5th Term
3348 S. 1400 W., Rexburg 83440 356-6676
Farmer Wife-Evelyn T.
MAJORITY LEADER
Commerce/Labor, State Affairs

R. L. "Dick" Davis (R), House Seat A.....2nd Term
P.O. Box 391, Rexburg 83440 356-3233
Contractor - Retired Wife-Phyllis
Education, Transportation/Defense

Cyril O. Burt (R), House Seat B.....2nd Term
Route 2, Box 164-A, St. Anthony 83445 624-7846
Retired Farm Equipment Dealer Wife-Maxine
VICE CHAIRMAN-Environmental Affairs
Business, Revenue/Taxation

32-BONNEVILLE & TETON COUNTIES

Michael D. Crapo (R), Senate Seat A.....2nd Term
P.O. Box 129, Idaho Falls 83402
Home 524-4631 Bus. 523-0620
Attorney Wife-Susan
ASSISTANT MAJORITY LEADER
Health/Welfare, Resources/Environment
State Affairs

Lee Staker (R), Senate Seat B.....2nd Term
2553 Everon, Idaho Falls 83401
Home 529-5256 Bus. 523-7950
Florist, self-employed Wife-Jean
VICE CHAIRMAN-Commerce/Labor
Finance (JFAC), Judiciary/Rules

John D. Hansen (R), Senate Seat C.....1st Term
260 Merjecq Ave., Idaho Falls 83401
Home 523-5599 Bus. 523-5171
Lawyer
Education, Investment/Retirement
Resources/Environment

John O. Sessions (R), House Seat A.....11th Term
Box 10, 414 N. Main, Driggs 83422
Home 354-2508 Bus. 354-2373
Retailer, semi-retired Wife-Alice
CHAIRMAN-Transportation/Defense
Commerce, Industry/Tourism, Education

Ralph J. Steele (R), House Seat B.....1st Term
Route 1, Box 116, Idaho Falls 83401
Farmer/Rancher Wife-Lucile 523-5424
Resources/Conservation, Transportaton/Defense

Con Mahoney (R), House Seat C.....1st Term
Route 9, Box 69, Idaho Falls 83402
Home 523-8703 Bus. 523-7030
Industrial Contractor Wife-Marie
Local Government, Resources/Conservation

Thomas F. Loertscher (R), House Seat D.....1st Term
P.O. Box 2243, Idaho Falls 83403 522-3072
Farmer Wife-Linda
Business, Education, Health/Welfare

Preston B. Brimhall (R), House Seat E.....3rd Term
465 9th St., Idaho Falls 83401 522-4347
Retired Wife-Betty
Appropriations (JFAC), Local Government

M. Reed Hansen (R), House Seat F.....2nd Term
Route 5, Box 213, Idaho Falls 83402 522-5359
Farmer Wife-Marilyn
VICE CHAIRMAN-Health/Welfare
Resources/Conservation, Revenue/Taxation

33-BONNEVILLE, BUTTE, CLARK, CUSTER, FREMONT JEFFERSON, LEMHI, MADISON & TETON COUNTIES

Ann Rydalch (R), Senate.....3rd Term
3824 E. 17th St., Idaho Falls 83401
Home 522-6741 Bus. 526-1589
Subcontract Administrator Husband-Vernal
CHAIRMAN-Commerce/Labor
VICE CHAIRMAN-Health/Welfare, Judiciary/Rules

Sten Hawkins (R), House Seat A.....2nd Term
Box 367, Ucon 83454
Home 524-1586 Bus. 523-2880
Agri-Business Wife-Linn
Environmental Affairs
Resources/Conservation, Revenue/Taxation

Golden C. Linford (R), House Seat B.....2nd Term
2120 West 4200 South, Rexburg 83440
Home 356-7220 Bus. 356-7346
Potato Grower-Shipper
Resources/Conservation, Revenue/Taxation